University of London

605299

B I L L S,

PUBLIC:

ONE VOLUME.

BURIALS

TO

TURNPIKE TRUSTS ABOLITION.

Session

3 *February* — 21 *March* 1857.

VOL. I.

1857.

BILLS:

1857.

ONE VOLUME:

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(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
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A

BILL

RELATING TO

Burials in consecrated and unconsecrated Ground.

WHEREAS the Laws relating to Burial have given rise to much Discord amongst Her Majesty's Subjects, which it is desirable to put an end to: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Clergyman of the United Church of England and Ireland shall be at liberty (any Law or Usage to the contrary notwithstanding) to bury a Body in the unconsecrated as well as consecrated Ground of any Parochial or Public Cemetery, and to use on such Burial the whole or such Portion only of the Burial Service contained in the Book of Common Prayer as he may deem to be suitable to the Occasion. Clergymen may bury in unconsecrated Ground.

II. Any Dissenting Minister shall be at liberty to bury a Body in the consecrated Ground of any Parochial or Public Cemetery, and to use such a Religious Service on such Burial as is used amongst the Religious Body to which such Dissenting Minister may belong; provided that in the Service so used there be nothing repugnant to the Burial Service contained in the Book of Common Prayer. Dissenting Ministers may bury in consecrated Ground.

Where no Fees for Burial to be claimed.

III. No Dissenting Minister burying a Body in consecrated Ground shall be entitled to receive the Fees to which a Clergyman might have been entitled had he buried such Body.

Boundary Walls not necessary between consecrated and unconsecrated Ground.

IV. It shall not be lawful to erect any Wall or Fence between the consecrated and unconsecrated Part of any Public Cemetery formed under the Provisions of an Act passed in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, or an Act passed in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-four, or of any other Act, but a Footway not less than Three Feet in Width shall be deemed a sufficient Separation between such consecrated and unconsecrated Parts.

Burials.

A

BILL

Relating to Burials in consecrated and unconsecrated Ground.

(Prepared and brought in by Mr. Pellatt and Mr. Hindley.)

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1857.

[Bill 49.]

Under 1 *oz.*

24 *February* 1857. 20 Vict.

A

BILL

TO

Appropriate the Income of such one of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

WHEREAS the Population of the City of Carlisle is large and increasing: And whereas the Cure of Souls of the Inhabitants of the said City is committed exclusively to the Incumbents of the several Churches, Parishes, and Ecclesiastical Districts of Saint Cuthbert, Saint Mary, Trinity Church, and Christ Church, all in the said City: And whereas the annual Stipends or Incomes of the said several Incumbents are small and inadequate, and in order to promote the spiritual Interests of the said Inhabitants it is expedient to augment the same out of Funds now belonging to the Dean and Chapter of the Cathedral Church of the said City, (the Rectors Impropriate of the said Parishes of Saint Cuthbert and Saint Mary,) and payable to them by the Ecclesiastical Commissioners for England, under an Order of the Queen's most Excellent Majesty in Council, bearing Date the Tenth Day of November One thousand eight hundred and fifty-two, and for this Purpose to suspend the Canonry of the said Cathedral which shall next fall vacant, and appropriate the Income thereof as herein-after provided: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Canonry which shall first fall vacant to be suspended and the Income divided between certain Incumbents.

I. The Canonry in the said Cathedral which shall first fall vacant after the *passing of this Act* shall be suspended, and the annual Income and Emoluments attached to the same shall be equally divided between the Incumbents of Saint Cuthbert's, Saint Mary's, Trinity Church, and Christ Church, in the said City, and their Successors.

Ecclesiastical Commissioners to pay to Incumbents the Income of Canonry.

II. It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby empowered and required, from and after the Suspension of the said Canonry as herein-before provided, to pay over yearly and every Year, in equal Shares, to the said Incumbents and their Successors, all such Monies as would if this Act had not been passed have been payable by them to the Person holding the said suspended Canonry.

In case the Money Payment now made to Dean and Chapter should be exchanged for landed Estates a Portion of the Rents to be paid to the said Incumbent.

III. And whereas under an Arrangement made by the said Commissioners, and confirmed by the Order in Council herein-before mentioned, the Money Payment now made to the said Dean and Chapter may hereafter be exchanged for landed Estates, to be conveyed to and vested in the said Dean and Chapter: Be it enacted, That from and after the Transfer and vesting of the said Estates so much of the Rents and annual Proceeds and Profits thereof as would if this Act had not been passed have been payable to the Person holding the said suspended Canonry shall be paid yearly and every Year, in equal Shares, to the said Incumbents and their Successors, any Law or Statute, Order or Usage, to the contrary in anywise notwithstanding.

A

BILL

To appropriate the Income of such one of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

(*Prepared and brought in by Mr. Ferguson, Mr. Charles Howard, and Mr. Thomas Chambers.*)

Ordered, by The House of Commons, *to be Printed*, 24 *February* 1857.

[Bill 28.]

Under 1 *oz.*

A

B I L L

FOR

Enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

WHEREAS it is expedient, for the Purposes of the Public Service, that the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland be authorized to purchase and hold additional Lands in the Parish of Chatham in the County of Kent, and from Time to Time to sell, exchange, dispose of, or demise such Lands as Occasion may require; and for the more convenient Occupation thereof that the Commissioners have Power to stop up, divert, or alter certain Ways in the same Parish: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Chatham Lands Purchase Act, 1857."

Incorporation of 8 & 9 Vict. c. 18.

II. The Lands Clauses Consolidation Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Bridleways, Footpaths, Causeways, Passages, and other Ways of every Kind whatsoever:

"The Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland:

"The Commissioners" shall mean the Commissioners for the Time being for executing the Office of "The Lord High Admiral," when the Office of the Lord High Admiral shall be executed by Commissioners, and the Lord High Admiral for the Time being, whenever Her Majesty, Her Heirs or Successors, shall have appointed a Lord High Admiral:

"Special Act" in the Act herewith incorporated shall mean this Act:

The Expression "Promoters of the Undertaking" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Company" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances,

Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments.

Commissioners may purchase Lands.

IV. It shall be lawful for the Commissioners, subject to the Provisions of this Act, to purchase, take, and hold all or any of the Lands mentioned in the Schedule to this Act, and that although the same Lands, or the Description or Boundaries thereof or of any Part thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, or of any of them, may happen to be erroneously stated in or omitted from the said Schedule, in case it shall appear to and be certified by any Two Justices under their Hands that such erroneous Statement or Omission was not wilful.

Lands to be held in trust for Her Majesty.

V. All Lands purchased or in any Manner acquired by the Commissioners under the Authority of this Act shall be and become vested in the Commissioners for the Time being, and in their Successors in Office from Time to Time, to be held and enjoyed by the Commissioners for the Time being in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Instead of Bond required by 8 & 9 Vict. c. 18., Commissioners may give Undertaking.

VI. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Act incorporated herewith, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition to such Bond to be done and performed; and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections.

Costs of Arbitration where Compensation settled by Surveyor.

VII. When, under the Provisions of Section Fifty-nine of the Act incorporated herewith, Compensation shall have been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient to, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt; and if the Sum awarded shall be the same as determined by the Surveyor, then the Commissioners and

the Owner shall respectively bear and pay their own Costs and One Half of the Expenses of the Arbitration.

Powers to apply to Purchases already made.

VIII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned in the said Schedule shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Notices by Commissioners.

IX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices, &c. to the Commissioners.

X. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty, by being left at or transmitted through the Post to the Admiralty at Whitehall.

Lands to continue liable to Land Tax.

XI. All Lands purchased under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto, as they would have been had such Lands not been so purchased.

Commissioners may stop up and divert Ways, &c.

XII. It shall be lawful for the Commissioners, by Order in Writing under their Hands, to stop up, divert, or alter all or any of the Ways, Sewers, Drains, and Pipes on, near to, under, through, or over any of the Lands required for the Purposes of this Act, they the said Commissioners making, opening, or laying down another sufficient Way, Sewer, Drain, or Pipe, when requisite, in lieu of the One stopped up, diverted, or altered; and the Site and Soil of all such Ways, Sewers, Drains, and Pipes shall, on the same being so stopped up, diverted, or altered, be vested in the Commissioners, in manner herein-before provided with respect to Lands purchased by them.

Soil of Ways, &c. to vest in Commissioners.

Soil of substituted Ways, &c. to vest in Persons in whom Ways, &c. stopped up vested.

XIII. Upon any such substituted Way, Sewer, or Pipe being completed, the Site and Soil thereof shall vest in the same Persons, for the same Estate and Interest only, as the Site and Soil of the Way, Sewer, Drain, or Pipe stopped up, diverted, or altered was vested in at the Time the same was so stopped up, diverted, or altered.

Other public Drains, &c. to be made in lieu of any stopped up.

XIV. If it shall be deemed necessary to stop up, divert, or alter any Way under or through which any Public Drain or Sewer, or Main Pipe for the Conveyance of Gas or Water, shall pass or be laid, the Commissioners,

Commissioners, previously to any such Drain, Sewer, or Pipe being disturbed or injured, shall cause another good and sufficient Drain or Sewer to be made, and other good and sufficient Pipe or Pipes for the Conveyance of Gas or Water, as the Case may be, to be laid down.

Substituted Ways, &c. to be repaired by Commissioners for Twelve Months.

XV. Every Way, Drain, Sewer, and Pipe which shall be so substituted by the Commissioners shall be kept in repair and maintained by the Commissioners for *Twelve* Calendar Months from the Time when the same shall be opened or shall be begun to be used.

After Twelve Months, by Persons liable to repair the old Ways, &c.

XVI. After the Expiration of such *Twelve* Calendar Months, every such substituted Way, Drain, Sewer, and Pipe shall be repaired and maintained by and at the Cost of the Persons who were previously liable to repair and maintain the Way, Drain, Sewer, or Pipe in lieu of which such substituted Way, Drain, Sewer, or Pipe shall have been made.

Commissioners may sell Lands.

XVII. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or acquired under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands obtained on Exchange to vest in Commissioners.

XVIII. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts, and with the like Powers in all respects, as are hereby declared as to Lands hereby authorized to be purchased.

Monies received on Sale to be paid to Paymaster General.

XIX The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium, for any Lease of any Lands which shall be sold, let, exchanged, or conveyed, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid), shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates &c.

XX. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid,

aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Conveyances, &c. exempt from Stamp Duty.

XXI. All Conveyances, Assurances, Agreements, Receipts for Money, and other Documents whatsoever, made or given under or in pursuance of this Act, shall be exempt from all Stamp Duties.

Powers to be exercised by Two Commissioners or by Lord High Admiral.

XXII. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any *Two* of them at any Time when the Office of the Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving of Rights of Her Majesty.

XXIII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever, in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXIV. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed

agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

The SCHEDULE to the foregoing Act.

The Property herein-after described is bounded as follows; that is to say, on the North by the present Royal Marine Barracks, on the West by the Gun Wharf belonging to the War Department, on the South by the Churchyard of St. Mary's Church there, and on the East by the Queen's Highway or Road leading from the Town of Chatham to Brompton in the County of Kent.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent.	1	A Messuage or Tenement and Dwelling House called the Navy and Army Hotel, Outbuildings, Yards, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.
	2	Passage Way and Yard.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover, Edward Winch.	Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, James Grover, and Charles Cheeseman Croft.
	3	A Messuage, Tenement, or Dwelling House, Shop, Warehouse, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover -	James Grover and Charles Cheeseman Croft.
	4	Dwelling House, Yard, Garden, and Premises.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	5	A Messuage, Tenement, or Dwelling House, Yard, Garden, and Premises, called the Queen's Head Public House.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell.
	6	Passage, Yard, and Outbuilding.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	7	Passage, Yard, and Well of Water.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	8	Dwelling House, Yard, Garden, and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	9	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, John Miller, and Benjamin Surrel.
	10	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Edward Payne and Edward Mackay.
	11	Lean-to Wash-house and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	12	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Taylor and William Mordell.
	13	Shed and Out-building.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	14	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	William Brigden.
	15	Passage or Entrance Way, Yard, and Out-buildings.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	16	Tenement or Stable	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	17	Dwelling House used as a Beer Shop, called the Royal Marine, with a Shed, Yard, and Premises.	John Lock - -	Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.
	18	Dwelling House and Premises.	Humphrey Wickham -	- - -	Henry Wright and Miles Marney.
	19	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Banks, James Palmer, and William Hogden.
	20	Covered Passage, Yard, Outbuildings, Passages, and Well of Water.	Humphrey Wickham -	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, and Frank Lynch.
	20 *b*	Passage-way -	Humphrey Wickham and Sarah Rimington.	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, James Grant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and Frank Lynch.
	21	Dwelling House, Yard, Garden, and Premises.	Humphrey Wickham -	- - -	John Campbell, George Dyer, and Joseph Kirkland.
	22	Stable and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover.	James Grover.
	23	Coach-houses, Stables, Shed, Outbuildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent. (*continued*).	24	A Messuage or Tenement used as a Public House, called the Red Lion, Fowl-house, Out-buildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan -	John Swan.
	24 *b*	Open Yard -	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan and Frederick Manser.	John Swan and Frederick Manser.
	25	Dwelling House, Yard, and Premises.	Humphrey Wickham -	- - -	Henry Camp.
	26	Dwelling House and Premises.	Humphrey Wickham -	- - -	James Kelly and John Kelly.
	27	Dwelling House and Premises.	Humphrey Wickham -	- - -	Elizabeth Tennant, James O'Neil, Maria Money, and Kate Morrison.
	28	Passage, Yard, and Outbuilding.	Humphrey Wickham -	- - -	Elizabeth Tennant, James, O'Neil, Maria Money, Kate Morrison, Henry Camp, James Kelby, and John Kelly.
	29	Dwelling House, Yard, Garden, Outbuilding, and Premises.	Samuel William Brooks -	- - -	Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, and John Waylin.
	30	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Goody.
	31	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	32	Yard, Garden, Out-buildings, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	33	Covered Passage-way.	Samuel William Brooks and Sarah Rimington.	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, Henry Pattison, Robert Howard, William Smith, James Gant, Samuel Jacob, and Thomas Rigby.
	34	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, and Thomas Rigby.
	35	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	Henry Pattison, Robert Howard, and William Smith.
	36	Passage, Yard, Well, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and William Smith.
	37	Dwelling House and Premises.	Humphrey Wickham -	- - -	Robert Clark, Archibald Brown, and Bridget Welsh.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	38	Dwelling House and Premises.	Humphrey Wickham -	- - -	Frank Lynch.
	39	Dwelling House and Premises.	Humphrey Wickham -	- - -	George Ellis and John Taylor.
	40	Dwelling House and Premises.	Humphrey Wickham -	- - -	Thomas Allship.
	41	Dwelling House and Premises.	Humphrey Wickham -	- - -	Patrick Ford, Michael O'Connor, and David Hughes.
	42	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Smith and John Sullivan.
	43	Road and Footpath	The Local Board of Health for Chatham, Thomas Hills their Clerk, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, Charles Kennington and Ellen his Wife, Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, Robert Gage, John Lock, Humphrey Wickham, Samuel William Brooks and Sarah Rimington.	Frederick Manser, James Grover, Edward Winch, John Connell, Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, Charles Buxton, John Swan, and Edward Gooddy.	Frederick Manser, James Grover, Charles Cheeseman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordell, William Brigden, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swan, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, John Waylin, Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, William Smith, Robert Clark, Archibald Brown, Bridget Welsh, Frank Lynch, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, and David Hughes.

Chatham Lands, &c.

A

BILL

For enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

(*Prepared and brought in by Sir Charles Wood and Sir Maurice Berkeley.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1857.

[Bill 9.]

Under 2 oz.

10 *February* 1857. 20 Vict.

A

BILL

TO

Facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases.

WHEREAS by the Act of the Second and Third Years of Her Majesty, Chapter Ninety-three, "for the Establishment "of County and District Constables by the Authority of "Justices of the Peace," it is provided, "that it shall be lawful to "appoint the same Chief Constable for Two or more adjoining "Counties or Parts of Counties, if the Justices of such Counties, in "General or Quarter Session assembled, shall mutually agree to "join in such Appointment:" And whereas Difficulties have arisen in certain Cases in giving effect to the said Enactment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 2 & 3 Vict. c. 93. s. 4.

I. So much of the Fourth Section of the said Act of the Second and Third Years of Her Majesty as is herein-before recited shall be repealed. Recited Provision of 2 & 3 Vict. c. 93. repealed.

II. It

Chief Constable of a County or District may be appointed to the like Office in an adjoining County.

II. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Session assembled, subject to the Provisions of the said Act, to appoint a Person to be Chief Constable of their County or of Part thereof, although he may hold or be appointed to the Office or Offices of Chief Constable of any adjoining County or Counties, or Part or Parts of Counties: Provided, that the Justices of each County, in General or Quarter Session assembled, shall declare their Consent that the Office in their Appointment may be held by such Person together with such other Office or Offices.

Confirmation of past Appointments.

III. And whereas Doubts have arisen as to the Validity of the Appointment of Chief Constables in certain Cases:

Every Appointment heretofore made or expressed to be made by the Justices of any County, in General or Quarter Session, of a Chief Constable for their County or Part thereof, and all Acts done under or with reference to every such Appointment, either by the Person appointed or by the Justices of the County, or by any other Persons whatsoever, shall be effectual and valid, notwithstanding any Defect or Informality in or in relation to such Appointment; provided such Appointment shall have been approved by One of Her Majesty's Principal Secretaries of State.

Former Acts and this to be construed together.

IV. The said Act of the Second and Third Years of Her Majesty, the Acts of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, and of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, and this Act, shall be construed together as One Act.

Chief Constables.

A

BILL

To facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases.

(*Prepared and brought in by Sir George Grey and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1857.

[Bill 14.]

Under 1 *oz.*

Church Rates Abolition Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites the Expediency of abolishing the Power to make Church Rates.

Church Rates to be abolished; Sect. 1.

Proviso as to Sums borrowed and Salaries charged upon Church Rates by Statute; 2.

Act not to extend to Scotland or Ireland; 3.

Title of Act; 4.

A

BILL

TO

Abolish Church Rates.

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling: And whereas it is expedient that the Power to make Church Rates should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act* no Church Rate shall be made or levied in any Parish in England or Wales. Church Rates to be abolished.

II. Provided always, That in any Parish where a Sum of Money has before the *passing of this Act* been legally borrowed under the Provisions of any Act of Parliament on the Security of Church Rates to be made and levied in such Parish, such Rates may still be made and levied for the Purpose of paying off the Money so borrowed, but not otherwise, until the Debt incurred under the Powers and Provisions of such Act shall have been liquidated: Provided also, that Proviso as to Sums borrowed and Salaries charged upon Church Rates by Statute.

in any Parish where, before the *passing of this Act*, the Salary of any Person holding any particular Office or Employment in such Parish has, under the Provisions of any Act of Parliament, been charged upon or made payable out of Church Rates to be made and levied in such Parish, such Rates may still be made and levied as heretofore for the Purpose of paying such Salary, but not otherwise, to the Person entitled at the Time of passing this Act to receive the same, so long as such Person shall continue to hold such Office or Employment, but no longer.

Act not to extend to Scotland or Ireland.

III. This Act shall not extend to Scotland or Ireland.

Title of Act.

IV. This Act may be cited as "The Church Rate Abolition Act, 1857."

Church Rates Abolition.

A

B I L L

To abolish Church Rates.

(Prepared and brought in by
Sir William Clay, Mr. Hutt, and Mr. Miall.)

Ordered, by The House of Commons, *to be Printed,*
12 *February* 1857.

[Bill 15.]

Under 1 *oz.*

10 *March* 1857. 20 Vict.

A

BILL

FOR

The Amendment of the Cinque Ports Act.

WHEREAS by an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled "An Act for the "better Administration of Justice in the Cinque Ports," it was enacted (by the Fifth Section), that from and after the granting of a Charter of Incorporation to certain Parishes or Places therein mentioned, amongst which was Saint John the Baptist (called Margate), or any One of them, or any Part thereof, certain Acts and Portions of Acts therein mentioned should be and the same were thereby repealed so far as the same concerned or affected the Part comprised in such Charter; and that from and after the Date of such Charter no Court of Sessions to be holden for the Town and Port of Dover, nor any Justices thereof, should have any Jurisdiction or Authority over or in respect of the District comprised in any such Charter, and that no such District should be liable to any Rate, Cess, or Impost to which the same or the Inhabitants thereof would but for the now reciting Act be liable as a Member or Liberty of Dover save as therein-after otherwise provided: And whereas the Inhabitant Householders of the Town of Margate, being Part of the said Parish of Saint John the Baptist called Margate, have, in pursuance of the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled "An Act "to amend an Act for the Regulation of Municipal Corporations in "England

Preamble. 18 & 19 Vict. c. 48. s. 5.

" England and Wales," petitioned Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of Margate within the Limits defined in the Schedule to an Order of the General Board of Health bearing Date the Third Day of July One thousand eight hundred and fifty-one, whereby and by means of "The Public Health Supplemental Act, 1851, No. 2," the Public Health Act was applied to the said Town: And whereas Notice of such Petition, and of the Time when the same was ordered by Her Majesty to be taken into consideration by Her Privy Council, was duly published in the London Gazette One Month at least before such Petition was considered, as herein-after mentioned: And whereas Her Majesty's said Privy Council did proceed to consider the said Petition, and having fully considered it have advised Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of Margate within the District set forth in the said Order of the General Board of Health: And whereas if such Charter as aforesaid be granted the Provisions of the said recited Act with respect to the District comprised in such Charter will take effect, and thenceforward, and until the Grant of a Commission of the Peace and Quarter Sessions of the Peace for such District, Inconveniences may arise unless the said recited Act be amended: And whereas it is expedient that the said recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 5. of recited Act not to apply to any District until Her Majesty shall have granted a Commission of the Peace and a Court of Quarter Sessions thereto.

I. The Provisions contained in the Fifth Section of the said recited Act shall not apply or have any Effect with reference to any District comprised within any Charter or Incorporation to be granted to any Parish or Place mentioned in the said Act or any Part thereof, unless and until Her Majesty shall have granted a Commission of the Peace and a Court of Quarter Sessions for the District comprised in any such Charter, but on the Grant of a Commission of the Peace and Court of Quarter Sessions to any such District the said Provision contained in Section Five of the said recited Act shall thereupon take effect and come into force with respect to such District.

Cinque Ports Act Amendment.

A

B I L L

For the Amendment of the Cinque Ports Act.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by the House of Commons, *to be Printed,* 10 *March* 1857.

[Bill 45.]

Under 1 *oz.*

A

BILL

TO

Amend the Commissioners of Supply (Scotland) Act, 1856.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Third Section of an Act of the Nineteenth and Twentieth Years of Her Majesty's Reign, intituled "An Act to constitute all "legally qualified Persons in Scotland Commissioners of Supply "without being named in an Act of Supply," is hereby repealed. Section 3. of 19 & 20 Vict. c. 93. repealed.

II. The Clerk of Supply in every County in Scotland shall, prior to the *Thirtieth Day of April* in the present Year, make up a List of all Commissioners of Supply of such County who are named in any subsisting Act of Supply, or who, under any ex officio Appointment in such Act of Supply, have been entered on the Sederunt of any stated General Meeting of Commissioners of Supply heretofore held, and the General Meeting of Commissioners of Supply in every County to be held on the said *Thirtieth Day of April* shall add to such List the Names of all Persons who shall, prior to the *Tenth Day of December* last, have lodged Claims to be enrolled under the said recited Act as Commissioners of Supply, and to which Claims no Objections have been lodged: Clerk of Supply to make up List of Commissioners under subsisting Act of Supply.

lodged; provided always, that the said Meeting shall have before them primâ facie Evidence, in Terms of the said recited Act, of the Qualification of such Claimants.

Claims to be added to List and Objections.

III. Before the *Twentieth Day of October* in each Year every Person desirous of having his Name added to the aforesaid List shall give in to the Clerk of Supply a Claim in Writing setting forth the Grounds of such Claim, and all such Claims shall remain in the Custody of the Clerk of Supply open to the Inspection of any Commissioner of Supply till the *Thirtieth* Day of the said Month, and any Commissioner of Supply intending to object to any Claimant being placed on the List or to any Person on the List remaining thereon shall, within *Ten* Days after the said *Thirtieth Day of October*, give Notice in Writing to the Clerk of Supply of his Intention, and shall also, within the said Period, intimate his having done so to the Person to be objected to by written Notice transmitted to him by Post, and he shall at the Meeting of the Committee for disposing of Claims and Objections appointed under the Provisions of the said recited Act adduce Evidence of his having given such last-mentioned Notice, or if he fail to adduce such Evidence he shall not be entitled to appear and insist in his Objection before the Committee; and the Clerk of Supply shall give to every Person objected to and to all Persons who may have lodged Claims or Objections respectively Ten Days Notice in Writing of the Time and Place fixed in Terms of the said recited Act for disposing of the same.

Act 19 & 20 Vict. c. 93. to be read as One Act.

IV. This Act and the said recited Act shall be read as One Act.

Commissioners of Supply (Scotland) Act (1856) Amendment.

A

B I L L

To amend the Commissioners of Supply (Scotland) Act, 1856.

(*Prepared and brought in by Mr. Dunlop and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed,* 24 *February* 1857.

[Bill 30.]

Under 1 *oz.*

A

B I L L

TO

Authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Twelfth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures mentioned in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1857," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Tresparrett Down	Cornwall	5th June 1856.
North Baddesley	Southampton	1st August 1856.
Hulham Common	Devon	31st July 1856.
Gamblesby Fell and Viol Moor	Cumberland	18th September 1856.
Broadbridge	Sussex	31st July 1856.
Whittlebury	Northampton	20th November 1856.
Whittlebury (Alderton)	Northampton	20th November 1856.
Whittlebury (Grafton Regis)	Northampton	20th November 1856.
Whittlebury (Paulerspury)	Northampton	20th November 1856.
Passenham (Passenham with Deanshanger)	Northampton	20th November 1856.
Passenham (Potterspury with Yardley Gobion)	Northampton	20th November 1856.
Passenham (Wicken)	Northampton	20th November 1856.
Chiltington Common	Sussex	4th December 1856.
Ashmore	Dorset	11th December 1856.
Cossey	Norfolk	4th December 1856.
Burntwood	Stafford	23d July 1856.
Holme Common	Norfolk	30th October 1856.
Hunstanton Common	Norfolk	30th October 1856.
Darsingham	Norfolk	20th November 1856.
Bowes Moor	York	15th May 1856.
Chilworth Common	Southampton	1st January 1857.
Westbourne	Sussex	28th January 1857.
The Deep Meadows	Lancaster	22d January 1857.
Ashwell	Hertford	22d January 1857.
Petersfield	Southampton	22d January 1857.

Commons Inclosure.

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 9 *February* 1857.

[Bill 8.]

Under 1 *oz.*

9 *March* 1857. 20 Vict.

A

B I L L

TO

Continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

WHEREAS under an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-three,) "to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts," certain Powers of appointing Commissioners and other Officers as therein mentioned were limited to continue for Two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament, and no Commissioner or other Officer or Person appointed or continued under that Act was to hold his Office for a longer Period than Two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas by the Acts of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and twenty-four, and of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Fifty-two, the said Powers of appointing Commissioners and other Officers have been continued, Preamble. 14 & 15 Vict. c. 53. 16 & 17 Vict. c. 124. 18 & 19 Vict. c. 52.

continued, and the Period limited for the holding of Office under the said first-mentioned Act has been extended until the First Day of August One thousand eight hundred and fifty-six, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the said Powers of the said first-mentioned Act should be continued, and that the said Period thereby limited should be extended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the *First Day of August One thousand eight hundred and fifty-seven, and thenceforth until the End of the then next Session of Parliament,* and the Period limited for the holding of Office under the said Act shall in like Manner be extended until the said *First Day of August One thousand eight hundred and fifty-seven, and thenceforth until the End of the then next Session of Parliament.*

Powers of Appointment of Commissioners &c. under 14 & 15 Vict. c. 53. continued.

Copyhold, &c. Commission Continuance.

A

BILL

To continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 9 *March* 1857.

[Bill 41.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

WHEREAS by the Operation of the Acts of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine, and the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Ninety-two, additional Duties of a judicial and otherwise important Nature have devolved upon the Masters of the Court of Chancery in Ireland, by reason of which novel Functions and a large Increase of general Business have arisen in their Offices: And whereas the Officers and Clerks now employed are unequal to the Performance of the Duties of such Offices, and it is expedient to provide for the Performance thereof by the Appointment of a Registrar to each of the said Masters: And whereas from Time to Time Deeds and Documents of Title of great Importance and Value are lodged in the said Court, for the safe Custody of which no Provision has hereto- Preamble.

fore been made, and it is expedient to provide for the safe Custody of all such Deeds and Documents: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Official Staff of the Masters Offices.

I. The Official Staff of each of the Masters Offices shall consist of a Chief Clerk or Registrar, a Second Clerk, and a Junior Clerk, who shall respectively be under the Control of the Master, and perform such Duties as shall from Time to Time be prescribed to them severally by any General Orders to be made for that Purpose.

Appointment of Registrar and Clerks.

II. The Examiner at present attached to the Office of each of the Masters shall be and he is hereby appointed Chief Clerk or Registrar to such Master and his Successors in Office; the Assistant Clerk at present attached to the Office of each Master shall be and he is hereby appointed Second Clerk to such Master and his Successors in Office; and it shall be lawful for each of the said Masters to appoint a Person to be Junior Clerk in his Office and the Office of his Successors: Provided nevertheless, that when the Business in the Office of the Receiver Master other than Receivership Business shall be disposed of, the several Clerks now employed or hereafter to be employed in such Office shall perform all such Duties pertaining to the Office of such Receiver Master as such Master or his Successors in Office shall from Time to Time direct, or as shall be prescribed by any General Order of the Court for that Purpose.

Proviso as to Clerks in the Receiver Master's Office.

Masters, Registrars, and Clerks, to hold their Offices during good Behaviour.

III. Every Registrar and Clerk hereby appointed or to be appointed under this Act shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself diligently and faithfully in the Discharge of his Duties, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Registrar or Clerk for some sufficient Cause to be stated in such Order.

Vacancies, how to be filled.

IV. When and so often as any Vacancy shall occur in the Office of Master's Registrar, or of any of the Clerks hereby appointed or to be appointed pursuant to the Provisions of this Act, such Vacancy shall be filled by the Clerk next in Seniority in the Office wherein such Vacancy shall occur to whom no sufficient Objection, to the Satisfaction of the Lord Chancellor, shall be made; and in all future Vacancies in the Office of Junior Clerk in each Office the Master in whose Office such Vacancy shall occur shall appoint some fit and competent

competent Person, whose Age shall not exceed *Twenty-eight Years*, to be such Junior Clerk.

Salaries of Master's Registrar and Clerks.

V. The Salary of the said Registrars shall be the yearly Sum of *Six hundred Pounds* each (the Salary at present payable to the said Examiners under the said recited Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine), and the Salary of the said Second Clerks shall be the yearly Sum of *Four hundred Pounds* each, and such respective Salaries shall be in lieu of the respective Salaries payable to the Masters Examiners and Assistant Clerks under the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine, and the Salaries of the Junior Clerks shall be the yearly Sum of *Two hundred Pounds* each; and all the said Salaries shall be paid and payable out of such Funds, and on such and the same Quarterly Days, and under and subject to the same Regulations as to proportionable Parts at the Commencement and Termination thereof, as are provided for the Masters Examiners and Assistant Clerks by the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine.

Master's Registrar and Second Clerk empowered to administer Oaths, &c.

VI. Every such Registrar and Second Clerk appointed or to be appointed under this Act shall have full Power and Authority, and they are hereby authorized, empowered, and directed, while they shall respectively hold their respective Offices, to administer Oaths, and to take Affirmations, Declarations, or Attestations of Honour, Examinations, or other Matters to be put in on Oath in the said Court of Chancery; and all Persons swearing, declaring, affirming, or attesting before any of such Persons so authorized to administer Oaths, and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths, and to take Declarations, and receive Affirmations.

Fees now payable in the Offices of Masters Examiners to be received by the Second Clerk.

VII. All Fees and Sums of Money heretofore payable to the Masters Examiners, or in their Offices respectively, shall from Time to Time be paid to the Masters Second Clerks appointed or to be appointed under this Act, who shall receive the same and keep true and accurate Accounts thereof, and shall pay and apply all Fees and Sums of Money so to be received by them respectively at the Times, subject to the Deductions for copying, and in the Manner provided for Payment thereof by the Masters Examiners by the said recited Act of the Thirteenth and Fourteenth Victoria, Chapter Eighty-nine,

and the several Sums so from Time to Time paid into the Bank of Ireland to the Credit of the Accountant General of the said Court shall be placed to the Credit of the Account called "The Suitors Fee Fund Account."

Orders made by the Masters to be prepared in their Offices.

VIII. All Orders pronounced or made by the Masters shall be prepared in their Offices, and the same, when signed, shall be transmitted to the Office of the Registrars of the said Court of Chancery there to remain of Record.

Examination of Witnesses in aid of Accounts transferred to Examiners in Chief.

IX. As the Duty of examining Witnesses in aid of Accounts, heretofore performed by the Masters Examiners, would interfere with the due and proper Discharge of their Duties as Registrars to the Masters, all such Examinations of Witnesses in aid of Accounts as heretofore were taken by the Masters Examiners shall henceforth be taken by the Examiners in Chief of the said Court, who are hereby authorized and directed to take the same, subject nevertheless to such General Orders as may be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two.

Business relating to the Duties and Office of Receiver depending in the other Masters Offices to be transferred to Receiver Master's Office.

X. All Business relating to the Office of Receiver under the said Court of Chancery, or the Duties of such Office, and all Proceedings which relate to the Management or letting of Estates under the Control of the said Court, or incident thereto, depending in or attached to the Offices of the several Masters in Ordinary of the said Court other than the Receiver Master's Office, together with such Books and Documents relating to such Business as may be necessary for the Purpose, shall be forthwith transferred to the Office of the Receiver Master, who shall from thenceforth pass all Accounts and perform all such other Duties in relation to such Business, subject nevertheless to such Alterations and Amendments in the Practice as may be effected by any General Orders to be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two; and no Reference, save and except for Business of the above-mentioned Description, shall in future be made to such Receiver Master.

No further References except for Receiver's Business to be made to Receiver Master.

Lord Chancellor empowered to distribute Business pending in Receiver Master's Office, not being Receivership

XI. If it shall appear to the Lord Chancellor, after the Business mentioned in the preceding Section of this Act shall have been transferred to the Office of the Receiver Master, that any Inconvenience or Delay in such Business is occasioned in consequence of References depending in or attached to the Receiver Master's Office, not being Receivership Business of the Description in the preceding Section mentioned, such Business shall be distributed amongst the other Masters

Masters of the said Court in such Manner as the Lord Chancellor shall think proper to direct.

Business, amongst the other Masters.

XII. When any Petition shall be presented to the said Court of Chancery with respect to any of the Branches of Jurisdiction specified in the Fifteenth Section of the Court of Chancery (Ireland) Regulation Act, 1850, or in any or such other Branches of Jurisdiction as have been or may hereafter be specified in any General Order made or to be made for that Purpose, it shall not be necessary to apply to the Lord Chancellor for a Summary Order to refer the Matter of such Petition to One of the Masters in Ordinary of the said Court; but every such Petition, on being filed in the proper Office, shall, as of course, stand referred to One of the Masters in Ordinary of the said Court in rotation without any Rule or Order of the said Court for that Purpose; and such Master shall have and exercise all such and the same Powers, Authority, and Jurisdiction in reference thereto as are provided in the said recited Act or any other Act in reference to the Petitions specified in the said Fifteenth Section of said Act, and shall have all such further Powers as are now vested in the Lord Chancellor or the Master of the Rolls for the Amendment of such Petitions, the Service or Substitution of Service of Notice or Process on Parties out of the Jurisdiction of the Court, or binding Persons by the Proceedings in such Suits or otherwise howsoever, save the Right of hearing Appeals from the Orders of the Masters in such Petition Matters as now existing.

Preliminary Hearings before the Lord Chancellor of Petitions filed under the Fifteenth Section of the Chancery Regulation Act abolished.

XIII. It shall be lawful for to appoint an Officer to be "Keeper of Deeds" in the said Court, and also to appoint a Clerk to assist such Keeper of Deeds in the Discharge of his Duties, who shall hold their respective Offices during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Keeper of Deeds or Clerk for some sufficient Cause to be stated in such Order.

Power to to appoint a Keeper of Deeds, and a Clerk to assist him in discharge of his Duties.

XIV. The Salary of such Keeper of Deeds shall be the annual Sum of *Four hundred Pounds*, and the Salary of such Clerk shall be the annual Sum of *Two hundred Pounds*, and such Salaries shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, or on such other Days as the Lord Chancellor shall from Time

Salaries to Keeper of Deeds and his Deputy.

to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing to the Credit of the Accountant General of the Court of Chancery called "The Suitors Fee Fund Account."

Vacancies in the Offices of Keeper of Deeds and his Deputy, how to be filled.

XV. Whenever a Vacancy shall occur in the Office of Keeper of Deeds, the Clerk in such Office, provided no sufficient Objection to the Satisfaction of the Lord Chancellor shall exist thereto, shall succeed to such Office of Keeper of Deeds, and whenever a Vacancy shall occur in the Office of Clerk in such Office it shall be lawful for to supply such Vacancy by the Appointment of some proper Person thereto whose Age shall not exceed *Twenty-eight* Years.

Lord Chancellor to cause suitable Offices to be provided.

XVI. It shall be lawful for the Lord Chancellor to cause to be provided for such Keeper of Deeds and his Deputy a suitable Office or Offices, with all necessary and proper Depositories and Conveniences for the safe Custody of all Deeds and Documents committed to his Charge, and the Performance of the other Duties of his Office.

Deeds in the Offices of the Masters, &c. to be handed over to Keeper of Deeds.

XVII. All Deeds and Documents of Title in the Offices of the respective Masters in Ordinary of the said Court, or in any of the other Offices of the said Court (the Office of the Deputy Keeper of the Rolls excepted), shall, as soon as a proper and suitable Office or Depository shall have been provided for them, as in the preceding Section mentioned, be handed over to such Keeper of Deeds, and all Deeds and Documents of Title hereafter to be brought into and deposited in the said Court of Chancery shall be lodged in such Office.

All Deeds, &c. to be lodged in said Office.

Keeper of Deeds to keep Books, &c.

XVIII. The Keeper of Deeds shall keep or cause to be kept in his Office such Books for Reference, and perform all such Duties, in relation to his said Office, as shall from Time to Time be prescribed or directed by any General Orders of the Court, to be made for that Purpose, and all Parties entitled under any Rule or Practice of the Court shall have Access to, and be at liberty to inspect, the Deeds and Documents in such Office, at all reasonable Times during Office Hours.

Keeper of Deeds authorized to give Copies of Deeds, &c. to Persons entitled thereto.

XIX. It shall be lawful for such Keeper of Deeds from Time to Time to furnish to such Persons as may be entitled to and require the same Copies of any Deeds or Documents lodged in his Office, and to charge for such Copies at the Rate of *Fourpence* per Folio of Seventy-two Words (over and above any Stamp or other Duty by Law

Law required to be affixed thereto), and he shall keep true and accurate Accounts of all Sums received by him for such Copies, and shall pay the same into the Bank of Ireland to the Credit of the Accountant General of the said Court once in every Month, after deducting thereout all Sums lawfully paid by him for copying such Deeds or Documents, at the Rate of *Three Halfpennies* per Folio of Seventy-two Words, the Amount so received and paid to be verified by his Affidavit, the Sums so paid in from Time to Time to be placed to the Credit of "The Suitors Fee Fund Account."

The Clerk of the Affidavits in the Court of Chancery empowered to administer Oaths, &c.

XX. It shall be lawful for the "Clerk of the Affidavits" in the said Court, and he is hereby fully authorized, empowered, and required, to administer Oaths, to take Affidavits, Affirmations, Declarations, and Attestations of Honour to be put in on Oath in the said Court; and all Persons swearing, declaring, affirming, or attesting before such Clerk of Affidavits, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths and to take Declarations and receive Affirmations.

Affidavits, &c. not to be returned after being sworn;

to be sworn, where practicable, before Officer in whose Office they are to be filed.

XXI. Affidavits, Affirmations, Declarations, and Attestions of Honour in Causes or Matters depending in the said Court shall not henceforth be returned to the Custody of the Person who shall have sworn or made the same, or to any Solicitor or Agent, but shall be retained by the Officer before whom the same shall have been sworn or made, and shall be by him transmitted to the Office where the same are to be filed or lodged; and all such Affidavits, Affirmations, Declarations, and Attestations of Honour shall, so far as may be practicable or convenient, be sworn before the Officer in whose Office the same are to be filed or remain of Record; and when such Affidavits, Affirmations, Declarations, or Attestations of Honour shall be sworn or made before a Master Extraordinary in Ireland, or before a Master Extraordinary or Special Commissioner in England, such Master Extraordinary or Special Commissioner shall forthwith make up the same in a Parcel under Seal, and transmit the same by Post to the Officer in whose Office such Affidavit, Affirmation, Declaration, or Attestation of Honour is, according to the Rules and Practice of the Court, to be lodged or filed, first paying the Postage thereof, and charging the same to the Parties.

Affidavits, &c. sworn before a Master Extraordinary or Special Commissioner, how to be returned.

Officers and Clerks appointed under this

XXII. Every Officer and Clerk appointed or to be appointed under this Act shall be entitled to the like retiring Allowances, and upon the

Act to be entitled to Retiring Allowances.

the same Conditions as are, in the "Court of Chancery (Ireland) Regulation Act, 1850," provided in respect of the Officers and Clerks of the said Court of Chancery; and all the Provisions of the said Act relating to such Retiring Allowances, and the Abatements to be made from the Salaries and Official Incomes in the said Act mentioned, shall extend to and include the said Officers and Clerks, and their respective Salaries; and the said Retiring Allowances shall be paid out of the same Funds as are in the said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Solicitors or Attornies appointed to any Office under this Act to be struck off the Roll.

XXIII. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin, on which his Name may be.

Interpretation of Act.

XXIV. In the Construction of this Act the Expression "The Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland; the Expression "Master" shall mean a Master in Ordinary of the said Court.

Court of Chancery (Ireland).

A

B I L L

To make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

(*Prepared and brought in by Mr. Whiteside and Mr. Napier.*)

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1857.

[Bill 25.]

Under 2 oz.

A

B I L L

FOR

Securing the Titles of Purchasers of Estates sold under the Court of Chancery in Ireland.

WHEREAS it is expedient to remove certain technical Difficulties in Suits for the Sale of Lands in Ireland under the Court of Chancery, and to render the Titles of Purchasers thereof secure and indefeasible: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Where any Person who, according to the existing Law and Practice of the Court of Chancery in Ireland, would be a necessary Party to a Suit for the Sale of any Estate or Interest in Land in Ireland, or to a Suit for Administration of the Assets of a deceased Person, or any other Suit in which such Sale would be ordered as incidental to the Relief prayed, and of which suit such Person ought, according to such Practice, to have Notice, and where it shall appear to the said Court or the Master who may have Cognizance of such Suit that such Person is out of the Jurisdiction thereof, or his or her Residence cannot be discovered on reasonable Inquiry made for that Purpose, it shall and may be lawful for such Court or Master, having regard to the Delay, Expense, or Difficulty attendant on the ordinary Service Power of the Court to substitute Service extended to Publication of Advertisements.

Service of Process or Notice on such Person or incident to the Mode of Substitution thereof which the Court had heretofore Power to direct, and upon being satisfied that the Petitioner is entitled to such Sale, in lieu of such Service to declare that the Publication of such Notice or Process by Advertisement thereof (whether with or without any further or other indirect Notification) shall be a sufficient Substitution for the Service of such Notice or Process in the ordinary and formal Way; and upon such Declaration and such Publication of such Advertisement, with or without such further Notification, as the Case may be, such Person being such Party shall be bound by the said Suit, and by all Decrees and Orders pronounced therein, and any Sale had thereunder, as if such Person had been within the Jurisdiction of the Court, and actually served with such Notice or Process in the ordinary Way.

Court to have Power to judge of the Reasonableness of Objection for Want of Parties.

II. It shall not be lawful for any Party to a Suit pending in the said Court for the Sale of any Estate or Interest in Land in Ireland, or to a Suit in which such Sale may be granted as incidental to the express Relief therein prayed as aforesaid, to make any Objection for Want of Parties as Matter of Right, but the Court shall have full Power and Discretion to dispense with such Parties to the Suit upon the Plaintiff or Petitioner, or Person having the Carriage of such Proceedings publishing such Advertisements or making such other indirect Notification to them of the Object of such Suit in such Manner as to the said Court may appear reasonable and expedient.

Opinion of Counsel to be taken on Title.

15 & 16 Vict. c. 86. s. 56.

General Orders, Court of Chancery, Ireland.

III. When a Decree or Order for a Sale of any Estate or Interest in Land in Ireland shall be pronounced in any Suit pending in the said Court of Chancery, and before the same shall be put up for Sale, the Plaintiff, Petitioner, or other Person having the Carriage of such Proceedings shall lodge a Statement of the Title to such Estate or Interest in the Office of the Master of the Court of Chancery who shall have the Direction of such Sale, in like Manner as Statements of Title are now lodged in the Offices of the Masters of said Court of Chancery, save that every such Statement shall first be laid before some practising Barrister of at least Fifteen Years standing, being One of Her Majesty's Counsel, to be specially nominated in such Case by the said Master, for the Opinion of such Counsel thereon, to be given within a limited Time, which shall be also specified by the said Master, to the Intent that the said Master may be the better enabled to give such Directions as he may deem necessary respecting such Sale as herein-after mentioned; and save that such Counsel, instead of the Certificate now required by the Practice of the Court to be affixed to such Statement, shall certify that he has examined such Title and the Proceedings in the Suit, and that he has read the several

several Documents referred to or Copies thereof, and compared the same wit hthe Abstract, and has corrected the same where necessary, and that the Abstract is a true Statement of the several Documents therein referred to, and (if such be the Case) that in his Opinion it would be proper and expedient to proceed with the Sale forthwith; or if he shall not be of such Opinion, then he shall suggest such further Inquiries, Notices, or Advertisements as may to him appear expedient preliminary to a Posting for such Sale.

Master to direct Posting, or order further Notices, Inquiries, or Advertisements.

IV. After such Opinion shall be so obtained, the said Matter shall investigate such Statement of Title and Opinion, with any Suggestions thereon, and by himself or his Officer settle a Rental and direct the necessary Posting for such Sale; or if he shall see fit, taking into Consideration such Suggestions, it shall and may be lawful for him, instead of settling such Rental and ordering such Posting, to give such preliminary Directions as to further Inquiries, Notices, or Advertisements, as to him shall appear just and expedient: Provided that nothing herein contained shall render it imperative on such Master to direct any such further Inquiry, Notice, or Advertisement, unless he shall consider the same just and necessary.

No Purchaser to object to Title.

V. No Purchaser of any Estate or Interest in Land sold under the said Court shall be at liberty to refuse to complete such Sale by reason of any Objection to the Title thereof, or on the Ground that the proper Parties had not been brought before the Court or properly served in the Suit in which such Sale was had, or for any other Irregularity or Informality whatever in the Proceedings in the Suit, save for such Misdescription of the Premises in the Rental and Statement thereof as would, according to the existing Practice of the Court, entitle a Purchaser to be discharged from his Purchase: Provided, however, that nothing herein contained shall operate to deprive the Court of the Power of cancelling or opening such Sale, or discharging the Purchaser, or allowing him Compensation, if the said Court shall deem it just so to do.

Tenancies to be ascertained.

12 & 13 Vict. c. 77. s. 23.

16 & 17 Vict. c. 64. s. 8.

VI. Where any such Sale as aforesaid shall be made under the Decree or Order of the said Court, or the Master who shall have the Direction of such Sale, it shall and may be lawful for the said Court, when and so far as it or he may deem necessary for the Purposes of such Sale, to ascertain the Tenancies of the occupying Tenants, and of any Lessees or Underlessees whose Tenancies, Leases, or Under-leases affect the Land or Lease, or Part thereof, to be sold, and to give or cause to be given such Notice or cause such Advertisements to be published, and make or cause to be made such Inquiries in relation thereto as it shall deem necessary for ascertaining

taining and securing the Rights of such Tenants, Lessees, or Under-lessees as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, shall, at such Times and Places as the Court may by Notice require, produce all Leases, Under-leases, and Agreements in Writing under which such Tenants occupy or claim to hold, if such Leases, Under-leases, or Agreements, or Counterparts thereof be in their Possession or Power; and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under Parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and the Sale shall be made subject to the Tenancies, Leases, or Under-leases, ascertained as aforesaid, and subject to which the Incumbrancer applying for a Sale shall be such Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, ascertained as aforesaid, as shall appear to the Court or such Master as aforesaid to have been granted bonâ fide by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Court or Master the Sale should be made, save such (if any) of respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and, when the Court or Master shall think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies the Nature of which shall not have been ascertained or shall be disputed; and, where the Court or Master shall think fit, such Sale may be made subject to Dower or any annual Charge affecting the Land or Lease, or Part thereof, sold, or to any such apportioned Part of such Dower or annual Charge as the Court may think fit should remain charged thereon; and where such Land or Lease, or Part thereof, is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Court or Master think fit, be made subject to such Incumbrance.

Sale may be made subject to Tenancies or annual Charges, or to Charges not then redeemable.

VII. It shall be lawful for the Court or Master to sell any Land or Lease, or Part thereof, discharged from any Crown Rent or Quit-rent which it may be enabled and may, with the Consent of the Owner, think fit, to purchase, or from any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act "to promote the Drainage of Land and Improvement of Navigation "and Water Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act of the Tenth

Court or Master may make Provision as to Incumbrances, Charges, &c. to facilitate Sales, &c. and Distribution of Purchase Money.

12 & 13 Vict. c. 77. s. 34.

Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," or by virtue of any Act or Acts passed or which may be passed for amending the said Acts, which the said Court or Master may, with such Consent, think fit to pay off or redeem; and in any such Case the Court or Master shall, out of the Money arising from such Sale, and in preference to all other Payments thereout, pay or cause to be paid the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court or Master, where it or he shall think fit, to pay to any Person entitled to any Dower or to any annual or other Charge, not being an Incumbrance, for Payment of which the Court has Jurisdiction to decree a Sale of Land, who may consent to accept the same, a gross Sum in discharge, or by way of Redemption thereof, or any Part thereof; and where a Part only of any Land or Lease subject to Dower or to any Incumbrance or Charge is sold, to charge the Part not sold with such Dower, Incumbrance, or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any such Dower, Incumbrance, or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court or Master, where it or he think fit, may invest or provide for the Investment of Money to meet any Claim of Dower or any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, if it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Lease, or Part thereof, from the Sale of which the same may have arisen.

Lands included in different Decrees for Sale, and different Interests in the same Land, may be included in the same Sale. 12 & 13 Vict. c. 77. s. 36.

VIII. Where there shall be separate Decrees of the said Court for Sales of any Land, and of any Lease in the same Land, or of Two or more Leases in the same Land, or for different undivided Shares of any Land or Lease, it shall be lawful for the said Court or Master, where it or he shall see fit so to do, to include, with the Consent of the Persons by whom such respective Decrees may have been obtained, and of any other Persons whose Consent the Court or Master may, under the Circumstances, think fit to require, in the same Sale, upon such Terms as it may think fit, such Land and Lease, or such Leases, or such several undivided Shares as aforesaid; and where

where any Land or Lease, or Part thereof, subject to any Incumbrance, is decreed or ordered to be sold, it shall be lawful for the Court or Master, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be liable to be sold under any Decree of the said Court or Order of such Master), or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as the said Court or Master may see fit, in the Sale of the Land or Lease, or Part thereof, so decreed to be sold as aforesaid; and all the Powers of the said Court and the Provisions of this Act applicable to any Land or Lease subject to any Incumbrance, ordered to be sold, and to any Incumbrance or Charge upon such Land or Lease, and to the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as the Circumstances may admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Court or Master shall apportion the Purchase Money and Expenses as it or he sees fit.

If Land sold shall be subject to a Lease, &c. comprising other Land, or if Part of Lease in perpetuity, &c. be sold, the Court or Master may apportion the Rent.

12 & 13 Vict. c. 77. s. 37.

IX. If any Land or Lease to be so sold shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the said Court or Master to apportion the Rent between the Land to be so sold and the Remainder of the Land subject to such Rent; and where it is intended to sell a Part only of any Lease in perpetuity, or other Lease, or to sell the same in Lots, it shall be lawful for the said Court or Master, where it or he shall think fit, and (having regard to the Rights and Interest of the Owner of the Reversion) it shall appear just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land, or between such Lots; and the said Court or Master shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it or he shall think fit, and shall hear such Parties as shall apply in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Land out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned

tioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

In Suit for Sale of an undivided Share, Court or Master may, on giving Notice and hearing Parties, make Order for Partition. 12 & 13 Vict. c. 77. s. 43.

X. When any Suit shall be pending in the said Court for a Sale of an undivided Share of any Land or Lease, or where any such undivided Share shall have been sold under a Decree or Order of the said Court or Master, and either before or after the Conveyance thereof to the Purchaser, the Court or Master who shall have Direction of such Sale, without any Suit being instituted for that Purpose, on the Application by Motion of any Party interested in such undivided Share, or of the Purchaser (as the Case may be), and after causing to be given such Notice to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease, as to such Court or Master may seem fit, and hearing such Parties interested in the respective Shares as may apply, and making, or causing to be made, such Inquiries as may enable it or him to make a just Partition, may, if it or he think fit, make an Order for the Partition of such Land or Lease, with or without Owelty of Partition, as the Case may be; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land or Lease; and the said Court or Master shall have the like Authority, Jurisdiction, and Powers in relation to such Partition as if a Suit had been pending for that special Purpose; and the Part so allotted in Severalty in respect of each undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (when the Order for a Partition is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale and before Conveyance), and with the like Consequences in the several Cases aforesaid, as if the Suit, Decree, or Order for a Sale, or the Sale (as the Case may be) had been in respect of the Part so alloted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under the Court, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court or such Master as aforesaid, on the Application of any such Lessee, Under-lessee,

or Tenant, and after giving or causing to be given such Notices, and hearing such Parties as it or he may think fit, and making such Inquiries as it or he may deem necessary, to make an Order for the Partition as between such Lessees, Under-lessees, or Tenants of the Land included in their Lease, Under-lease, or Tenancy, and for the Appointment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

In Suit for Sale, or after Sale, Court or Master may make Order for Exchange. 12 & 13 Vict. c. 77. s. 44.

XI. Where a Suit shall be pending for a Sale of any Land or Lease, or Part thereof, or where the same shall have been sold, and either before or after the Conveyance or Assignment thereof, if Application be made to the said Court or Master by any Party interested in such Land or Lease, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land, or of all or any Part of the Land comprised in such Lease, for other Land which the Owner thereof may be willing to give in Exchange, the said Court or such Master as aforesaid may make or cause to be made such Inquiries as it or he may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands as they may think fit; and if, after making such Inquiries and hearing such Parties interested in the respective Lands as may apply to them, the said Court or Master shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court or Master may make an Order for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land

Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made in respect of the Land taken in Exchange for any Land, or any Land comprised in any Lease to which the Application for a Sale shall relate (where the Order for Exchange is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Lease, or Part thereof, sold (where the Order for Exchange is made after Sale, and before Conveyance or Assignment), and with the like Consequences, in the several Cases aforesaid, as if the Suit for a Sale or the Sale (as the Case may be) had been in respect of the Land so taken in Exchange.

The Court or Master may include Arrears of Rent in a Sale. 16 & 17 Vict. c. 64. s. 9.

XII. Where a Sale is made by or under the said Court of any Land or Lease, it shall be lawful for the said Court or such Master as aforesaid, whenever it shall appear convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly; and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery and in respect of the Nonpayment thereof the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof, nor any Conveyance or Assignment of such Land or Lease, had been made.

Where a Lease in perpetuity is ordered to be sold, the Court or Master may convert it into a Fee-farm Grant. 16 & 17 Vict. c. 64. s. 3.

XIII. Where the said Court or such Master as aforesaid shall order the Sale of any Lease in perpetuity, such Court or Master may, if it or he shall think it expedient so to do, cause Notice to be given to the Owner or other Persons interested in the Reversion, or any Person on behalf of such Owner or other Persons, and may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but their Procedure in relation thereto shall be according to the general Rules and Practice of the said Court; and in case such Conversion shall be ordered, the said Court or One of the Masters thereof, in manner herein-after described, shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease and the Provisions of the

Renewable Leasehold Conversion Act, and thereupon the Owner for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

Execution of Conveyance by a Master of the Court sufficient. 12 & 13 Vict. c. 77. s. 24.

XIV. Where any Sale of any Estate or Interest in Land shall be had under a Decree or Order of the said Court, the Conveyance or Assignment thereof shall be signed by One of the Masters thereof, and the Execution by any other Party of such Conveyance or Assignment shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases, and Under-leases (if any) subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the Court or Master, as the Case may be, the Purchaser may require.

Effect of Assurance. 12 & 13 Vict. c. 77. s. 27.

XV. Every such Conveyance so executed by such Master as aforesaid shall be effectual to pass the Fee Simple and Inheritance of or such other Estate or Interest in, the Land or arising out thereof, whether corporeal or incorporeal, as is by such Conveyance expressed to be conveyed, subject to such Tenancies, Leases, and Under-leases as shall be referred to therein as aforesaid, but, save as aforesaid and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment, executed by such Master upon the Sale of a Lease in perpetuity, or other Lease, shall be effectual to pass the Estate created or agreed to be created by such Lease, and then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Leases, and to such Tenancies, Leases, and Under-leases as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest; provided that where any Land or Lease, or Part thereof, or any Estate or Interest in Land subject to any annual or other Charge, or such apportioned Part thereof, such annual or other Charge, or such apportioned Part thereof only, (as the Case may be,) shall remain and be charged on and payable out of such Land, Lease, or Interest, or Part thereof, as in the Conveyance or Assignment shall be expressed.

XVI. Any

Saving of Right of Common. 12 & 13 Vict. c. 77. s. 28.

XVI. Any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way or other Easement, or any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of the said Acts severally passed in the Sixth and Tenth Years of Her Majesty, or any Act or Acts which have been or may be passed for amending the said Acts, save where the Court or Master shall think fit to redeem the Crown Rents or Quitrents, or to redeem or pay off the Charges under the said Acts or any of them under the Power herein-before contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned, discharged of all Crown Rents or Quitrents, or Charges, under said Acts or either of them (as the Case may be), and in such Case such Land shall be so discharged accordingly.

Conveyance, Partition, &c., conclusive.

XVII. Every Conveyance and Assignment respectively executed as required by this Act, and every Decree or Order for Partition or for Exchange in pursuance thereof, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Decree or Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein.

Where Conveyance is made subject to a Lease, it shall not be necessary in pleading to allege prior Title to Reversion.

XVIII. Where any Conveyance or Assignment has been made before the passing of this Act, or shall hereafter be made by the said Court or any Judge thereof, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry, for Nonpayment of Rent or for doing of Waste, or other Forfeiture, and also shall and may have

and enjoy the like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the Parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into the Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Underlease, or as Landlord entering into such Agreement.

Orders of the Court may be enforced in England.
12 & 13 Vict. c. 77. s. 14.

XIX. Whenever an Order shall be made under this Act by the Court of Chancery in Ireland, or any Master thereof, as the Case may be, it shall and may be lawful for the Party obtaining or having the Carriage of the same to apply by Petition to the Court of Chancery in England, that the said last-mentioned Court, without requiring such Exemplification or Enrolment as herein-after mentioned, may cause the like Process to issue to enforce such Order as upon an Order for Payment or accounting for Money made by the High Court of Chancery in Ireland, whereof a Copy has been exemplified and certified to and enrolled in the High Court of Chancery in England, under an Act passed in the Forty-first Year of King George the Third, intituled "An Act for the more speedy and effectual "Recovery of Debts due to His Majesty, His Heirs and Successors, "in right of the Crown of the United Kingdom of Great Britain "and Ireland, and for the better Administration of Justice within the "same," which Process the said Court of Chancery in England shall issue accordingly, and the same shall have the like Effect as if such Order had been enrolled; and the said Petition shall be grounded on a Copy of the said Order, attested by the proper Officer of the Court of Chancery in Ireland, but without such Exemplification or Enrolment.

Protection to Persons under Disability.

XX. It shall be lawful for the Court or Master, if it shall be expedient or necessary in the Progress of a Suit, to appoint a Solicitor and Counsel to protect the Rights of Persons being Minors, Idiots, Lunatics, married Women, or absent from the Realm, who shall appear to the Court or Master to have any substantial Interest in the Lands or Premises for Sale of which any Suit for Sale shall be pending in the Court of Chancery; unless such Persons shall appear before the said Court as Parties thereto in the usual Way.

XXI. It

Power to make Order

XXI. It shall and may be lawful for the Lord Chancellor of Ireland, and the Lord Justice of Appeal, with the Assistance of the Master of the Rolls and the Masters in Chancery, to make such Orders and prescribe such Forms and Modes of Proceeding, as they may deem requisite or expedient for facilitating Proceedings under this Act.

12 & 13 Vict. c. 77., Part of Section 42. repealed.

XXII. Whereas by an Act of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to "facilitate the Sale and Transfer of Encumbered Estates in Ireland," it was enacted that "where the Commissioners (mentioned therein) "shall order the Sale of any Land or Lease, or Part thereof, in "respect of which any Decree shall have been already made by any "Court of Equity for Sale, or any Proceedings shall be pending in "a Court of Equity, they shall, by Certificate under their Seal, "notify to such Court the Order so made by them, and all Pro-"ceedings for or in relation to a Sale under the Decree of such "Court shall be stayed;" and it is further thereby enacted that "it shall be lawful for the Court (of the said Commissioners) to "suspend or stay any other Proceeding in the said Court (of Chan-"cery), or under any Order or Decree already made by such Court, "as the Court (of the Commissioners) may think fit:" Be it enacted, That so much of the said Act as is herein recited shall be and hereby is repealed.

Construction of Terms in this Act. 12 & 13 Vict. c. 77. s. 54.

XXIII. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Court" shall mean either the Lord Chancellor of Ireland or any of the Masters of the Court of Chancery in Ireland, who, according to the Practice of the same, are competent to make Decrees or Orders in Suits; and the Word "Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, and Hereditaments of any Tenure, whether subject to any Fee-farm or other perpetual Rent, with or without Condition of Re-entry for securing the same or otherwise, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal; and the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement, in the whole or any Part of the Land therein comprised.

"Court."

"Land."

"Estate."

"Lease."

Act to extend to Ireland only.

XXIV. This Act shall, except so far as the special Provisions of the same otherwise require, extend only to Ireland.

SCHEDULE.

Court of Chancery (Ireland) (Titles of Purchasers).

A

B I L L

For securing the Titles of Purchasers of Estates sold under the Court of Chancery in Ireland.

(*Prepared and brought in by Mr. Whiteside and Mr. Napier.*)

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1857.

[Bill 23.]

Under 2 oz.

9 *March* 1857. 20 Vict.

A

BILL

FOR

Granting certain Duties of Customs on Tea, Sugar, and other Articles.

WHEREAS it is expedient to alter the Duties and Drawbacks of Customs imposed or allowed by any Act or Acts in force relating to the Customs upon the several Articles herein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That in lieu of the Duties of Customs now chargeable on Tea imported into the United Kingdom the following Duties shall be charged; that is to say, Alteration of Tea Duties.

From and after Fifth April One thousand eight hundred and fifty-seven to Fifth April One thousand eight hundred and fifty-eight, *1s. 5d.* per Pound.

II. That

Alteration of Sugar Duties.

II. That in lieu of the Duties of Customs now chargeable on Sugar imported into the United Kingdom the following Duties shall be charged; that is to say,

	From and after 5th April 1857 to 5th April 1858 inclusive.
	£ *s.* *d.*
SUGAR, viz.:—	
Candy Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - - the Cwt.	*0 18 4*
White Clayed Sugar or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined. the Cwt.	*0 16 0*
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - the Cwt.	*0 13 10*
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - the Cwt.	*0 12 8*
Molasses - - - - the Cwt.	*0 5 0*

Alteration of Duties on certain Articles.

III. That in lieu of the Duties now chargeable on the following Articles imported into the United Kingdom the following Duties shall be charged; that is to say,

		From and after April 1857 to 5th April 1858 inclusive.
		£ *s.* *d.*
Cherries, dried - - -	the Pound	*0 0 2*
Comfits, dry - - - -		
Confectionery - - - -		
Ginger, preserved - - -		
Marmalade - - - -		
Plums preserved in Sugar - -		
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - -		

IV. That

IV. That in lieu of the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, the following Drawbacks shall be allowed on the Exportation, or on the Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy,	for every Cwt.
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters,	for every Cwt.
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1., approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove,	for every Cwt.
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury,	for every Cwt.
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2.,	for every Cwt.

V. The Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

Duties to be under Management of Commissioners of Customs.

Commencement and Short Title.

VI. This Act shall come into operation on the Day of *the passing of this Act*, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Amendment Act, 1857."

Customs Duties.

A

B I L L

For granting certain Duties of Customs on Tea, Sugar, and other Articles.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 9 *March* 1857.

[Bill 39.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Granting certain Duties of Customs on Tea, Sugar, and other Articles.

WHEREAS it is expedient to alter the Duties and Drawbacks of Customs imposed or allowed by any Act or Acts in force relating to the Customs upon the several Articles herein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That in lieu of the Duties of Customs now chargeable on Tea imported into the United Kingdom the following Duties shall be charged; that is to say, Alteration of Tea Duties.

From and after Fifth April One thousand eight hundred and fifty-seven to Fifth April One thousand eight hundred and fifty-eight, 1*s.* 5*d.* per Pound.

 II. That

Alteration of Sugar Duties.

II. That in lieu of the Duties of Customs now chargeable on Sugar imported into the United Kingdom the following Duties shall be charged; that is to say,

	From and after 5th April 1857 to 5th April 1858 inclusive.
	£ s. d.
SUGAR, viz.:—	
Candy Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - - the Cwt.	0 18 4
White Clayed Sugar or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined. the Cwt.	0 16 0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - the Cwt.	0 13 10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - the Cwt.	0 12 8
Molasses - - - - the Cwt.	0 5 0

Alteration of Duties on certain Articles.

III. That in lieu of the Duties now chargeable on the following Articles imported into the United Kingdom the following Duties shall be charged; that is to say,

		From and after April 1857 to 5th April 1858 inclusive.
		£ s. d.
Cherries, dried - - -	the Pound	0 0 2
Comfits, dry - - - -		
Confectionery - - -		
Ginger, preserved - - -		
Marmalade - - - -		
Plums preserved in Sugar - -		
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - -		

IV. That

IV. That the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, or on Removal to the Isle of Man for Consumption there, shall be continued until the Fifth Day of May next, and that from and after that Day, and until the Fifth Day of May One thousand eight hundred and fifty-eight, the following Drawbacks shall be allowed on the Exportation, or on the Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say, Bounties and Drawbacks.

Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1., approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury, for every Cwt.	0	15	1
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2., for every Cwt.	0	12	8

V. The Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs. Duties to be under Management of Commissioners of Customs.

Commencement and Short Title.

VI. This Act shall come into operation on the Day of the passing of this Act, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Amendment Act, 1857."

Customs Duties.

A

B I L L

[AS AMENDED IN COMMITTEE]

For granting certain Duties of Customs on Tea, Sugar, and other Articles.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 11 *March* 1857.

[Bill 46.]

Under 1 *oz.*

10 *February* 1857. 20 Vict.

A

BILL

FURTHER

To provide for the Mode of securing and paying fixed Incomes to Ecclesiastical Corporations aggregate and sole.

WHEREAS it is expedient to make further Provision as to the Mode of securing and paying fixed Incomes to Ecclesiastical Corporations aggregate and sole, and such other Sums and in such Manner as is herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Subject Matter, that is to say,— Interpretation.

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England

The Word "Bishop" shall include an Archbishop, and the Word "See" shall apply as well to an Archiepiscopal as to an Episcopal See:

The Expressions "Canon" and "Minor Canon" shall have the Significations given to them by the Acts Third and Fourth Victoria,

Chapter One hundred and thirteen, and Fourth and Fifth Victoria, Chapter Thirty-nine:

The Expression "Lands, Tithes, Tenements, and other Hereditaments" shall have the Signification given to it by the said Act Fourth and Fifth Victoria, Chapter Thirty-nine.

Upon the First Avoidance of a See, Lands, &c. belonging thereto to vest in Commissioners.

II. Upon the first Avoidance of any See in England or Wales which shall happen next after the *passing of this Act* all the Lands, Tithes, Tenements, and other Hereditaments, excepting any Right of Patronage and all other Emoluments and Endowments whatsoever belonging to such See or enjoyed by the Holder thereof in right of his See, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely in the Commissioners and their Successors.

Commissioners to pay fixed Incomes to Bishops half-yearly.

III. The Commissioners shall pay by half-yearly Payments to every Bishop the Estates and Revenues of whose See are hereby transferred to them the clear annual Income fixed and determined in respect of his See.

Upon a Deanery or Canonry becoming vacant, Commissioners entitled to a Share in corporate Revenues of Chapter in respect of such Deanery and Canonry, as if same had been suppressed or suspended under 3 & 4 Vict. c. 113.

IV. Upon the next and every successive Vacancy of a Deanery of or Canonry in any Cathedral or Collegiate Church in England or Wales which shall happen after the *passing of this Act* the Share to which, if this Act had not been passed, any Successor to such Deanery or Canonry would have been entitled to possess or receive (if duly qualified in all respects according to the Statutes and Usages of his Church to possess or receive the same) of the divisible corporate Revenues of the Chapter of such Cathedral or Collegiate Church, shall become payable and be from Time to Time paid to the Commissioners in like Manner as if such Deanery or Canonry had been suppressed or suspended under the said Act Third and Fourth Victoria, Chapter One hundred and thirteen; and the Commissioners shall pay to the Persons who may be from Time to Time appointed to such Deanery or Canonry, being duly qualified as aforesaid, the clear annual Income fixed and determined for such Deanery or Canonry; and if no such Income shall have been fixed at the Time of such Vacancy occurring, the Commissioners shall, by Agreement with the Patron of such Deanery or Canonry, determine the Amount of such Income within the Limits assigned by Law with respect thereto.

No Deanery or Canonry to be hereby suppressed or suspended.

V. Nothing herein contained shall be construed to suppress or suspend any Deanery or Canonry, but Appointments may be made thereto respectively as heretofore.

Existing Bishops,

VI. Any Bishop, Dean, or Canon appointed previous to the *passing of this Act* may become subject to the Provisions of this Act

Act in like Manner as if he had been appointed to his See, Deanery, or Canonry subsequent to the *passing of this Act*; and upon his signifying (in Writing) such his Desire to the Commissioners, the Commissioners may, if they think fit, by an Order under their Common Seal, direct that from a Time mentioned in such Order the Provisions of this Act shall take effect with respect to such Bishop, Dean, or Canon as if he had been appointed to his Dignity or Office subsequent to the *passing of this Act*, and the same shall take effect accordingly.

Deans, and Canons, may voluntarily become subject to provisions of this Act.

VII. Whenever and so soon as the Commissioners shall by virtue of this Act become entitled to *Three Fourth* Parts or Shares of and in the divisible Corporate Revenues of any Chapter, exclusive of the Share or Shares (if any) payable to the Commissioners in respect of any Canonry or Canonries suspended or to be suspended pursuant to the said Act Third and Fourth Victoria, Chapter One hundred and thirteen, then, and without any Conveyance or Assurance in the Law other than the Provisions of this Act, all the Lands, Tithes, Tenements, or other Hereditaments (excepting any Right of Patronage), and all other Endowments and Emoluments whatsoever belonging to such Chapter, shall accrue to and be vested absolutely in the Commissioners and their Successors.

When Commissioners are entitled to Three Fourths of Corporate Revenues of a Chapter, all Estates &c., of such Chapter to be vested in Commissioners.

VIII. As soon as the Estates and Revenues of any Chapter shall have become vested in the Commissioners pursuant to the Provisions of this Act, the Commissioners shall enter into an Arrangement with such Chapter for the Payment of such annual or other Sums of Money as may be necessary to defray the Expenses connected with the Cathedral Establishment, as mentioned in the Schedule hereto, and to provide the Incomes of the Dean and Canons; and the said annual or other Sums of Money shall be the first Charge upon the Estates and Revenues of the said Chapter which shall have become vested in the Commissioners as aforesaid, and the said Estates and Revenues shall be the primary Fund for the Payment thereof.

When Estates, &c. of a Chapter are vested in Commissioners, they are to pay fixed Incomes to Members of Chapter and to defray Cathedral Expenses, such payments to be a first charge on such Estates, &c.

IX. Subject to the Provisions of this Act, the Shares which shall become payable to the Commissioners of the Corporate Revenues of any Chapter, and the Rents and Profits of the Lands, Tithes, Tenements, and other Hereditaments and Premises vested in them under the Provisions of this Act, together with all Accumulations of Interest arising therefrom, shall be from Time to Time carried to the Common Fund of the Commissioners, and all Sums of Money hereby made payable to any Bishop, Dean, Canon, or Chapter, or so much thereof as the Estates and Revenues primarily charged therewith as aforesaid may be insufficient to pay and satisfy, shall be a first Charge upon the said Common Fund: Provided always, that nothing herein contained

Rents and Profits of Lands vested in Commissioners to be carried to their common Fund.

tained shall be held to affect the Security created by the Act of the Sixth and Seventh Years of Her present Majesty, Chapter Thirty-seven, for the Repayment to the Governors of Queen Anne's Bounty of the Sum of Stock advanced under the Provisions of that Act.

Commissioners may inspect Estates, if a Chapter, &c. object to Expenditure.

X. It shall be lawful for the Commissioners or their duly authorized Agents or Servants, at any Time, to survey and inspect the Estates, and to require from the Chapter of any Cathedral or Collegiate Church in England or Wales any Information with respect to the Accounts of such Chapter, and to object to any Items of Expenditure incurred or to be incurred by such Chapter; and no Lease or Renewal of any Lease hereafter to be granted by any such Chapter shall be valid, except the same shall have been submitted to and approved by the Commissioners, and such Approval be signified at the Foot of such Lease, under their Common Seal.

Leases must be approved by Commissioners.

Differences to be referred to Arbitration.

XI. If any Difference shall arise between the Commissioners and any Body or Person touching the Income to be paid to any Dean or Canon, or the annual or other Sums of Money to be paid to any Chapter as herein-before directed, or as to the Propriety of any Lease or Renewal of a Lease proposed to be granted by any Chapter, or as to the Terms thereof, or touching any particular Item of Expenditure objected to by the Commissioners, or the Amount of Compensation to be awarded to any Officer or Person under this Act, the Matter in dispute shall be referred to Arbitration; One Arbitrator shall be named by the Commissioners and One by the Body or Person differing with them, and the Two Arbitrators so appointed shall, before they proceed in the Matter referred to them, appoint an Umpire, and the Proceedings upon such Arbitration shall be conducted in like Manner and subject to the same Rules and Enactments as upon a Reference made, by Consent, upon a Rule of Court or Judge's Order: Provided always, that the said Parties may appoint One and the same Person to act as a sole Arbitrator, in which Case the Acts and Awards of such Arbitrator shall have the same Effect as the Acts and Award of the Arbitrators and Umpire under the Provisions herein contained; and in every Case the Costs of such Arbitration and Award shall be in the Discretion of the said Arbitrators or Umpire or of the said Arbitrator as the Case may be.

Compensation may be made to Persons injured by the Operation of Act.

XII. The Commissioners shall pay to any Person or Persons holding Offices for Life who may be injured by the Operation of this Act, and who shall be removed by them, such Sum of Money and at such Times and by way of Annuity or otherwise as may appear reasonable, by way of Compensation for Loss of Office or for Loss sustained by the Operation of this Act: Provided always, that when such Person shall

shall be permanently placed in any other Office of which the Salary and Emoluments are equal to or more than the whole of any such Compensation by way of Annuity, and so long as he shall continue to be so placed, then such Compensation shall altogether cease to be paid; and where such Salary and Emoluments shall amount to Part of such Compensation by way of Annuity, then such Compensation shall abate in proportion.

SCHEDULE referred to in this Act.

The Stipends of the Minor Canons and of the other Officers and Bedesmen of the Cathedral or Collegiate Church.

The annual Cost for the Maintenance of the Cathedral and the Cathedral Precincts.

The annual Cost for the Performance of the Services, for the Provision and Repairs of the Church Furniture, and the Payment of Rates, Taxes, and all other customary and necessary Outgoings.

Amount of Augmentations to all Vicarages and Benefices charged on or payable from the Cathedral Funds.

Amount of Subscriptions and Donations to Churches, Schools, Parsonage Houses, Charities, or otherwise.

Ecclesiastical Corporations.

A

BILL

Further to provide for the Mode of securing and paying fixed Incomes to Ecclesiastical Corporations aggregate and sole.

(*Prepared and brought in by*
The Marquis of Blandford and Mr. George Butt.)

Ordered, by The House of Commons, *to be Printed,*
10 *February* 185⁷.

[Bill 12.]

Under 1 oz.

87

5 *February* 1857. 20 Vict.

A

BILL

TO

Amend so much of an Act, intituled "An Act to "repeal the Acts of Parliament now in force "respecting the Disposal of the Waste Lands "of the Crown in Her Majesty's Australian "Colonies, and to make other Provision in lieu "thereof," as relates to the Ecclesiastical Government of Norfolk Island.

WHEREAS by an Act passed in the Seventh Year of the Reign of Her Majesty, intituled "An Act to amend so "much of an Act of the last Session, for the Government "of New South Wales and Van Diemen's Land, as relates to Norfolk "Island," it was enacted, that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to sever Norfolk Island from the Government of New South Wales and from the Diocese of Australia, from and after a Day to be mentioned in such Letters Patent, and that from and after such Day Norfolk Island should cease to belong to the Colony of New South Wales and to the Diocese of Australia, and should be taken to be a Part of the Colony of Van Diemen's Land

Preamble. 6 & 7 Vict. c. 35.

and

and of the Diocese of Tasmania: And whereas, in exercise of the Powers so vested in Her Majesty as aforesaid by the said recited Act of Parliament, Her Majesty did, by Her Letters Patent bearing date the Twenty-fourth Day of October One thousand eight hundred and forty-three, appoint that from and after the Twenty-ninth Day of September One thousand eight hundred and forty-four the said Island called Norfolk Island should be severed from the Government of New South Wales and Diocese of Australia, and should be annexed to the Government and Colony of Van Diemen's Land, and did by Her further Letters Patent, bearing Date the Nineteenth Day of December One thousand eight hundred and forty-three, declare that from the Twenty-ninth Day of September One thousand eight hundred and forty-four Norfolk Island should cease to belong to the Diocese of Australia, and should be and be taken to be Part of the Diocese of Tasmania: And whereas by a certain other Act of Parliament passed in the Nineteenth Year of the Reign of Her said Majesty, intituled "An "Act to repeal the Acts of Parliament now in force respecting the Dis- "posal of the Waste Lands of the Crown in Her Majesty's Australian "Colonies, and to make other Provisions in lieu thereof," it was amongst other things provided, that it should be lawful for Her Majesty, at any Time, by Order in Council, to separate Norfolk Island from the Colony of Van Diemen's Land, and to make such Provision for the Government of Norfolk Island as might seem expedient: And whereas, in exercise of the Powers so vested in Her Majesty as aforesaid by the said last-recited Act of Parliament, Her Majesty did, on the Twenty-fourth Day of June One thousand eight hundred and fifty-six, by and with the Advice of Her Privy Council, order, that from and after the Date of the Proclamation of that Her Order in New South Wales Norfolk Island should be separated from Van Diemen's Land, and should be a distinct and separate Settlement, and did further order that the Governor and Commander-in-Chief for the Time being in and over the Colony of New South Wales should be constituted and appointed Governor of the said Island: And whereas it is expedient that the said last-recited Act should be amended, by enabling Her Majesty to sever Norfolk Island from the Diocese of Tasmania, and annex it to the Diocese of Sydney, the same being part of the ancient Diocese of Australia: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 56.

Enabling Her Majesty to sever Nor-

I. That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to sever Norfolk Island from the Diocese of Tasmania, and to annex it

it to the Diocese of Sydney, from and after a Day to be mentioned in such Letters Patent, and from and after such Day Norfolk Island shall cease to belong to the Diocese of Tasmania, and shall be taken to be Part of the Diocese of Sydney; and it shall be further lawful for Her Majesty, by such Letters Patent as aforesaid, to make from Time to Time further and other Provision for annexing the said Island to any other Diocese, or for erecting the same into a separate Diocese.

folk Island from the Diocese of Tasmania, and to annex it to the Diocese of Sydney.

Ecclesiastical Government (Norfolk Island).

A

BILL

To amend so much of an Act, intituled "An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other Provision in lieu thereof," as relates to the Ecclesiastical Government of Norfolk Island.

(*Prepared and brought in by Mr. Labouchere and Mr. John Ball.*)

Ordered, by The House of Commons, *to be Printed*, 5 *February* 1857.

[Bill 3.]

Under 1 *oz.*

A

BILL

TO

Continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law as to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of August One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have been continued by sundry Acts until the First Day of August One thousand eight hundred and fifty-six, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said Act shall continue until the *First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.*

Preamble.

10 & 11 Vict. c. 98.

Certain Provisions of recited Act further continued.

[Bill 38.]

Ecclesiastical Jurisdiction.

A

BILL

To continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 9 *March* 1857.

[Bill 38.]

Under 1 *oz.*

Education (Cities and Boroughs).

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PREAMBLE.

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Qualification of the Voters on such Question; 2.

Time of voting; 3.

Decision of the Question. Scrutiny; 4.

Decision of the Mayor final; 5.

Constitution of the School Committee for the Borough; 6.

Qualification of Member; 7.

ELECTION OF MEMBERS OF THE SCHOOL COMMITTEE.

Town Clerk to be Returning Officer of the First Election of the School Committee; 8.

Proceedings at future Elections. What Notice of Election to be given; 9.

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Collection of Voting Papers; 14.

No Voting Paper not duly delivered and collected to be received; 15.

Mode of voting where Voting Papers not delivered or collected; 16.

Candidate or Nominator may appoint Agent to accompany Deliverer or Collector of Voting Papers; 17.

Casting up of the Voting Papers; Return of elected Members; 18.

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A

B I L L

TO

Promote Education in Corporate Cities and Boroughs in England and Wales.

WHEREAS it is desirable that Provision should be made for the better Encouragement and increased Efficiency of Education in the Corporate Cities and Boroughs of England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,— Preamble.

I. That if the Mayor of any Borough shall receive a Requisition in Writing in the Form set forth in the Schedule hereunto annexed marked (A.), or according to the Effect thereof, signed by a Number being not less than *One hundredth* Part of the Persons assessed to the Poor Rate in the said Borough, requiring him to take proper Means to ascertain whether this Act shall be adopted in the said Borough, he shall forthwith give public Notice of his having received such Requisition, and shall declare that he will take the Votes of the several Persons entitled to vote upon the Question as to such Adoption, and shall specify some Time, being not less than *Fourteen Days* from the Date of such Notice, when, Requisition to the Mayor for taking the Votes as to the Adoption of the Act.

and the Place or Places as he shall deem necessary where, the Votes shall be received, assigning, where he shall deem it expedient to do so, the separate Parts of the Borough to distinct Voting Places.

Qualification of the Voters on such Question.

II. Every Person assessed to the Rate made for the Relief of the Poor, and who shall not be in arrear in respect of such Rate or any Part of it for a Term exceeding *Twelve* Months preceding the Day of voting, shall be entitled to vote upon this Question, but shall have One Vote only.

Time of voting.

III. Such voting shall be concluded in One Day, between the Hours of Ten in the Forenoon and Four in the Afternoon.

Decision of the Question.

IV. When the voting shall be ended, the Mayor shall cause the Votes upon the Question to be cast up, and the Majority on the Question to be ascertained, and shall publicly declare the Result; and if the major Part of the Votes given upon the Question be in favour of the Adoption of the Act, thenceforth this Act shall be brought into operation in the said Borough, but if the Majority be against the Adoption the same shall not then come into operation, and no subsequent Proposal shall be received for its Adoption until after the Expiration of *One Year*; provided, that if within *One Week* from such Declaration a Demand be made in Writing by *Ten* Persons duly assessed for a Scrutiny of the Votes given at such voting, the Mayor shall grant a Scrutiny, and shall cause the same to be taken before himself or some competent Person to be appointed by him; and if upon such Scrutiny it shall be found that a different Result should have been declared from that which the said Mayor shall have declared, the Mayor shall publish another Declaration, and the Act shall be adopted or rejected according to such Second Declaration.

Scrutiny.

Decision of the Mayor final.

V. If no Scrutiny be demanded, the Declaration of the said Mayor, or, if the same be demanded and be duly taken, the Declaration after it, shall not be questioned in any Court or by any Proceeding whatsoever, but shall be final and binding for all Purposes in reference to the Adoption of this Act upon the Proposal then made.

Constitution of the School Committee for the Borough.

VI. When this Act shall have been adopted in any Borough, a School Committee shall be elected for such Borough, and such Committee shall consist of *Twelve* Persons in every Borough wherein the Population according to the last Census declared under the Authority of Parliament next before the Adoption of this Act shall not exceed Fifty thousand, of *Eighteen* Persons where it shall exceed Fifty thousand and not One hundred thousand, and of *Twenty-four* Persons

Persons where it shall exceed One hundred thousand; provided, that if after the Adoption of the Act the Population in any Borough shall increase, and the Numbers declared at any succeeding Census shall rise so as to bring the Borough within a Scale higher than that in which it stood at the Adoption of the Act, the Number of the School Committee shall be increased in the Proportion required by the Act, as and when the same shall be practicable.

Qualification of Member.

VII. Every Person assessed to the Poor Rate within the said Borough upon Property whose rateable Value shall be not less than *Twenty* Pounds a Year, or who shall be seised or possessed of a Real or Personal Estate in his own Right of the Value of *Five hundred* Pounds, shall be qualified to be elected as a Member of the said School Committee, and the Member elected shall be required to be so qualified so long as he shall continue to be a Member of the Committee; and every Person being assessed to the Poor Rate, and not in arrear as aforesaid, shall be qualified to nominate and vote at the Election of a Member of the said Committee, being entitled to One Vote only.

ELECTION OF MEMBERS OF THE SCHOOL COMMITTEE.

Town Clerk to be Returning Officer of the First Election of the School Committee.

VIII. The Town Clerk of the said Borough shall conduct the Election of the Members of such Committee, and shall be the Returning Officer thereof; and such Returning Officer shall with all convenient Speed after the Declaration of the Adoption of the Act give public Notice in the said Borough of the intended Election of the Members to constitute the First Committee, to the Effect as nearly as may be as herein-after described, and shall conduct the Election in the same Manner, prescribing such Days and Intervals for the Proceedings thereat as shall correspond as nearly as practicable with those herein-after prescribed for the annual Election, and shall ascertain which of the Candidates shall have received the greatest Number of Votes, and shall be duly elected, and shall publish the List in the said Borough, and shall notify to each elected Member the Fact of his having been duly elected, and the Day and Place of the First Meeting of the said Committee, which shall be fixed by the Mayor of the Borough, or in case of his Default by the Returning Officer.

Proceedings at future Elections.

What Notice of Election to be given.

IX. In respect to the future Elections of the Committee, the said Clerk shall on the *Fifteenth* Day of *March* in every Year cause a Notice to be published within the Borough, which shall set forth the following Particulars; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers are to be received, and the last Day on

on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting-up of the Votes.

Nomination of Candidates.

X. After the *Fourteenth* and on or before the *Twenty-sixth Day of March* any Person entitled to vote in the said Election may nominate himself, if qualified to be elected, or any other Person or Persons so qualified, not exceeding the Number of Persons to be elected for the Borough, but such Nomination shall be in Writing, and shall state the Christian and Surnames, Residence, Calling, Profession, or Quality of the Person nominated, and shall be signed by the Person nominated, and be sent or delivered to the said Returning Officer; provided, that no Nomination Paper delivered before Nine o'Clock in the Morning of the *Fifteenth* or after Five o'Clock in the Afternoon of the *Twenty-sixth Day of March* shall be valid.

Return of the Returning Officer, where no supernumerary Candidates. Notice of Nomination to Candidates.

XI. If the Number of Persons nominated be the same or less than the Number of Persons to be elected, the same shall, if duly qualified, be deemed to be elected as Members of the School Committee for the ensuing Year, and shall be certified by the said Returning Officer accordingly; but if the Number of Persons so nominated exceed the Number to be elected, he shall on the *Twenty-seventh of March* forward a Notice of the Fact of the Nomination to each Person so nominated, and if on the Day next ensuing he receive from any such Person a Refusal to serve as a Member of such Committee, in Writing signed by him, he shall not proceed further in the Election as regards such Person, and if thereby the Number of Persons nominated be reduced to the requisite Number he shall certify the same accordingly.

Delivery of Voting Papers.

XII. If within such Time no such Refusal take place, or if, notwithstanding any such Refusal, the Number of Persons nominated still exceed the Number to be elected, the Returning Officer shall cause Voting Papers in the Form set forth in the Schedule hereunto annexed, marked (B.), to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but omitting the Names of such as shall have refused to serve, and not being bound to insert more than once the Name of any Person nominated, and on the *Fifth Day of April* shall cause One of the Voting Papers to be delivered by a Person appointed for the Purpose at the Address within the Borough of every Ratepayer qualified to vote therein, and where such Person shall be unable to deliver the Voting Paper at such Address he shall notify on the Back thereof the Fact of the Non-delivery, and the Cause of the same, and deposit the Voting Paper

Paper in a Bag, to be supplied to him by the Returning Officer, and shall return the same to such Officer.

Modo of filling up Voting Paper.

XIII. Every Voter who shall be minded to vote must, on the Receipt of the Voting Paper, in the Interval between the Time when the Paper is delivered at his Address and the Time when it shall be called for, write his Initial against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and must sign his Name according to the Directions contained in the Paper; and no Voting Paper shall be counted as valid which shall not be signed and filled up in conformity with these Directions.

Collection of Voting Papers.

XIV. On the *Seventh Day of April* the Returning Officer shall cause the Voting Papers to be collected by the Persons appointed to collect them, and shall supply every such Person with a Bag or Box having an Opening for the Reception of the Voting Papers, but locked or otherwise closed; and the Person so appointed shall proceed to collect the said Papers, and shall deposit every Paper received by him in such Bag or Box, and shall return the same to the Returning Officer as soon as the Collection shall have been completed.

No Voting Paper not duly delivered and collected to be received.

XV. No Voting Paper shall be received or admitted unless the same shall have been delivered at the Address of the Voter in the Borough, and collected by the Person appointed for such Purpose, except as herein-after provided.

Mode of voting where Voting Papers not delivered or collected.

XVI. Every Person qualified to vote, who shall not on such *Fifth Day of April* have received a Voting Paper, shall, on Application to the Returning Officer at his Office on the *Eighth Day of April* between the Hours of Ten o'Clock in the Forenoon and Two o'Clock in the Afternoon, be entitled to receive a Voting Paper, and then and there to deliver the same to the Returning Officer; and in case any Voting Paper duly delivered shall not have been collected, through the Default of the Returning Officer, or the Person appointed for that Purpose, the Voter in Person may deliver the same to the Returning Officer, before Twelve o'Clock at Noon on the *Eighth Day of April*.

Candidate or Nominator may appoint Agent to accompany Deliverer or Collector of Voting Papers.

XVII. If any Person nominated, or any Person on his Behalf, give Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of such Papers, the Returning Officer shall make his Arrangements in such Manner as will enable the Persons appointed by him to be so accompanied; provided

provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers.

Casting up of the Voting Papers.

XVIII. On the *Ninth Day of April* the Returning Officer shall attend at the Place and Hour previously appointed by him for this Purpose, and shall, in the Presence of such of the Persons nominating, and of the Persons nominated, who may choose to attend, open the Boxes or Bags containing the Voting Papers, and ascertain the Validity of the Votes by an Examination of the Poor Rate Books and such other Documents as he may find necessary, and by Examination of such Persons as he may see fit, to whom he is hereby authorized to administer an Oath, or from whom he may require a Declaration in place of such Oath, to be attended with the like penal Consequences, if wilfully and falsely given, as in the Case of Perjury, and shall cast up such of the Votes as he shall find to be valid, and to have been duly given and collected or received, and ascertain the Number of Votes for every Candidate; and the Candidates, to the Number of the Persons to be elected, who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be the elected Members of the School Committee, and shall be certified as such by the said Returning Officer under his Hand, and he shall forthwith notify the Fact of his Election to every Candidate.

Return of elected Members.

Overseers, Assistant Overseers, and Collectors to attend the Returning Officer with Poor Rates.

XIX. The Overseers, Assistant Overseers, and Collectors of Poor Rates of every Parish comprised within the Borough shall, upon Notice in Writing from the Mayor or Returning Officer, attend upon him respectively at any Time during the voting as to the Adoption of this Act, or an Election under it, with the Poor Rate Books in their Possession or Power, and give all such Information as they may possess to the said Mayor or Returning Officer in reference to the Qualification of the Persons voting as to the Adoption of this Act or nominated as Members of the said Committee, and of the Persons entitled or claiming to be entitled to vote in such Election; and every Overseer, Assistant Overseer, or Collector refusing or wilfully neglecting to do so shall be liable to a Penalty of not more than *Ten Pounds* nor less than *Forty Shillings*, to be recovered on summary Conviction before Two Justices or a Stipendiary Magistrate.

Penalties against corrupt Practices.

XX. The Provisions contained in the Third Section of the Act of the Fifteenth Year of Her present Majesty, Chapter One hundred and five, relating to fraudulent and corrupt Practices at Elections of Guardians, shall extend and apply to all Elections to take place under this Act, and if any Person employed to deliver or collect the Voting Papers shall, after he shall have been appointed by the Returning

Returning Officer to act, or any Person appointed to accompany him by or on behalf of any Candidate, while accompanying him in the Delivery or Collection of the Voting Papers, canvass, directly or indirectly, any Voter on behalf of any Candidate, or fill up any Voting Paper other than his own, or advise any Voter how to fill up the same, or attest the Execution of the same by a Voter who shall be unable to write, or recommend the Name of any Candidate to a Voter, every such Person so offending shall for every such Offence be liable, upon Conviction before any Two Justices or a Stipendiary Magistrate, to be imprisoned for any Period not exceeding *Two Months*, with or without Hard Labour.

Provision for Sunday or Good Friday.

XXI. Whenever the Day appointed for the Performance of any Act relating to or connected with the Election aforesaid shall be a Sunday or Good Friday, such Act shall be performed on the Day next following, and each subsequent Proceeding shall be postponed One Day.

Term of the Continuance in Office of the Members of the Committee.

XXII. Every Person elected shall continue to act until he shall resign or become disqualified to be a Member as aforesaid, or shall go out of Office as herein-after provided; and upon the happening of any extraordinary Vacancy the Electors shall as soon as convenient elect another Person to supply the Vacancy, and the Town Clerk of the said Borough shall proceed to conduct the said Election in like Manner as above directed in respect of the annual Election, giving like Notice, and prescribing such Days and Intervals for Proceedings thereat, as shall correspond with those above prescribed for such annual Election.

One Third of the Committee to retire annually.

XXIII. On *the Twenty-sixth of March* in each Year *One Third* Part of the Members of the School Committee shall go out of Office, and their Places shall be filled by the Persons elected to fill the Vacancies; and in the Year next succeeding the First Election those Members shall go out who had been elected by the smallest Numbers of Votes at the First Election, and in the ensuing Year those who had been elected by the next smallest Numbers at such First Election; (in Cases where there shall happen to be an Equality of Votes the Majority of the Committee determining who shall go out of Office;) and the remaining *Third Part* of such first elected Members shall go out of Office on the Third annual Election, and thereafter those who shall so go out of Office shall always be the Members who had been for the longest Time in Office without Re-election; provided, that any Member so going out of Office shall be capable of being forthwith re-elected if then qualified as herein required; provided also, that any extraordinary Vacancy may also be filled up at the annual

Election, if the same shall have occurred within *Three* Months previous to the *Twenty-sixth of March*.

Default in Election not to affect the acting of the Committee.

XXIV. No Default in the First or any subsequent Election, nor any Vacancy, shall prevent the Members of the School Committee, where some have been duly elected, from acting as such Committee until the next annual Election, or until the Vacancy shall be sooner supplied.

Meeting and Proceedings of the School Committee.

Election of Chairman and Vice-Chairman.

XXV. Upon the Day mentioned by the said Returning Officer in his Notification to each Member of his Election the several Members of the said Committee shall meet at the Place therein also mentioned, and proceed to Business; and the Members present shall choose some One of themselves to be the Chairman and another to be the Vice-Chairman of such Committee, to act until the *Fifteenth Day of April* next ensuing, on which Day in that and every following Year the said Committee shall choose a Chairman and Vice-Chairman for the ensuing Year respectively, each of whom shall continue to act as such unless and until he refuse, resign, or become incapable to act or disqualified to be a Member of the said Committee.

Supply of Vacancies in the Chairmanship and Vice-Chairmanship.

XXVI. If the Chairman or Vice-Chairman cease to be a Member of the School Committee, or refuse, resign, or become incapable to act as Chairman or Vice-Chairman, before the Expiration of the Year of Office, the Members of the said Committee shall, within *One Month* after the Occurrence of the Vacancy, Refusal, or Incapacity, elect some other Member to be Chairman or Vice-Chairman, as the Case may require.

Who shall be the President of the Committee.

XXVII. At every Meeting the Chairman, or in his Absence the Vice-Chairman, shall preside; but if at the Commencement of any Meeting both be absent, the Members then present shall elect One of themselves to preside at the whole of such Meeting, or until the Chairman or Vice-Chairman shall arrive.

Meetings of the Committee.

XXVIII. The Committee shall appoint from Time to Time the Day, Hour, and Place of their Meeting, but shall meet *once* at least in every Month.

What shall be the Quorum of the Committee.

What Number required to sanction Expenses.

XXIX. No Meeting of the Committee shall be competent to transact any Business, except that of adjourning to another Time, unless *One Third* Part of the Members be present; and no Resolution shall be valid for the incurring of any Expense other than Payment of the School Fees and the Salaries or Remuneration of the

the Officers as herein provided for, unless special Notice for the Consideration of such Subject has been given.

Mode of voting at the Committee.

XXX. Every Question at any Meeting shall be determined by a Majority of the Votes of the Members present and voting thereon, and where the Number of Votes on any Question shall be equal the presiding Chairman shall have a Second as a Casting Vote.

Casting Vote.

Appointment of Officers by the School Committee.

XXXI. The Committee shall appoint and pay a Secretary or Chief Clerk, and may appoint, at their Discretion, such other Clerks, Assistants, and Servants as they may from Time to Time find necessary, with such Salaries, Wages, and Compensation for ordinary and extraordinary Services as the said Committee shall deem fit; and they may suspend and remove such Officers as they shall see occasion; and they may hire such Buildings or Offices, and provide all such Furniture, Books, Papers, and other Matters and Things, as shall be necessary for the due Discharge of their Duties; and all Payments which the said Committee shall be authorized by this Act to make shall be charged upon and paid out of the Fund herein-after provided.

The Committee to be a Body Corporate;

may make Byelaws.

XXXII. The said Committee shall be a Body Corporate, and shall be incorporated by the Name of "*The School Committee of the Borough of in the County of* ," and in such Name shall sue and be sued, and shall have a Common Seal, by which all Contracts, Deeds, Documents, and Applications shall be executed on their Behalf, and may make Byelaws and Regulations for the Government of themselves, their Officers and Servants, and for the due Execution of the different Provisions of this Act, so far as as the same shall be under the Control or Management of such Committee.

Minutes of the Committee made Evidence.

XXXIII. The said Committee shall cause Minutes of their Proceedings to be entered in a Book to be kept by their Secretary; and the Book so kept, when produced by their Secretary or by any other Officer of the said Committee in any Court of Law, or before any Justice or Justices or other competent Tribunal, shall be taken as Evidence of the Proceedings of the said Committee therein recorded.

UNION OF THE SCHOOLS WITH THE COMMITTEE.

Functions of the School Committee.

XXXIV. It shall be the Duty of the said School Committee to receive such Schools as are herein-after described into Union with them, according to the Regulations of this Act, to pay the School Fees to the Persons entitled to receive them, and in all other respects to carry into effect the Provisions of this Act, so far as the same apply to such Committee.

What Schools to be admitted into Union.

XXXV. The Schools to which this Act shall apply shall be those situated within the Borough wherein some Fee or Remuneration not less than *One Penny* nor more than *Fourpence* by the Week shall be paid in respect of every Scholar thereat in addition to the Payment to be made under this Act.

Proviso for free Schools.

XXXVI. Provided, That the School Committee may admit into Union any School in which no such Fee or Remuneration is paid for the Instruction of any Scholar thereof, provided that every such Scholar be a poor Orphan, or a Child of Parents so destitute as, in the Judgment of the Committee, to be unable to pay any Fee or Remuneration; and the Trustees or Managers shall, upon the Admission of every such Scholar, transmit to the School Committee a Certificate in Writing, according to the Form in the Schedule marked (C.), as to the Destitution of the Orphan, or of the Parent or Guardian of the Scholar.

Proviso for mixed Schools.

XXXVII. Provided also, That the Trustees or Managers of any School admitted into Union in which Payment shall be made for the Instruction of the Scholars may admit any such poor Scholars as last described into their School without the Payment of any Fee or Remuneration, and if they transmit a like Certificate as in the last Clause described in respect of every such free Scholar to the School Committee, and such Committee shall be satisfied as to the destitute Condition of such Scholar, the Trustees or Managers shall be entitled to the Payment for such Scholars as free Scholars.

Trustees or Managers empowered to place School in Union.

XXXVIII. As soon as the said School Committee shall have been elected, and from Time to Time afterwards, the major Part of the Trustees or Managers of any such School as aforesaid situated within the Borough may make Application in Writing, according to the Form set forth in the Schedule (D.) hereunto annexed, to the said School Committee, to be admitted into Union therewith, and such Committee shall forthwith upon Receipt thereof require the major Part of the said Trustees or Managers to sign an Undertaking that the Regulations herein-after set forth, or such of them as apply to their School, shall be duly and completely obeyed and complied with, and thereupon the said Committee shall admit such School into Union with them, and shall cause an Entry of such Admission to be made in the Minutes of their Proceedings, and a Notification of such Admission in Writing, under the Hand of their Secretary, to be transmitted to the Trustees or Managers of the School, as the Case may be; and when the School shall have been admitted into Union, whether by the said School Committee at once, or after Appeal as herein-after provided, such Union shall be deemed to have been complete

complete from the Date on which the Notification that such School has been duly admitted into Union shall have been transmitted to such Trustees or Managers; and if the said Committee shall refuse to admit the said School into Union, they shall state their Reasons for such Refusal in Writing.

Appeal from Refusal of Admission to the Committee of Council on Education.

XXXIX. When the said School Committee shall refuse, upon any such Application as aforesaid, to admit any School into Union, the Persons who shall have made such Application may appeal to the Committee of Council on Education against such Decision, forwarding a Copy of the Reasons assigned by such School Committee for their Refusal; and the said Committee of Council shall thereupon investigate the Merits of the Case, and if they shall decide that the Refusal was justified by the Provisions of this Act, the same shall be confirmed; but if they shall decide that it was not so justified, and that the said School should have been admitted into such Union, they shall communicate such their Decision to the said School Committee, and thereupon the said School shall be forthwith admitted into Union, and shall become entitled to all the Advantages of this Act, as if the same had been admitted by the School Committee at the Time of the Application.

The Regulations which are to be adopted by the Trustees or Managers of the School.

XL. The Regulations above referred to shall be as follows; that is to say,

(1.) That the School shall be open at all Times to the Inspection of One of Her Majesty's Inspectors of Schools, or otherwise of the Local Inspector appointed by the said School Committee, as herein-after provided:

(2.) That, prior to the Payment of the Fees herein-after provided, a Certificate as to the sufficient Qualification of every Teacher employed therein shall be obtained from the Committee of Council on Education or from some Inspector appointed by the said School Committee:

(3.) That there shall be at least One Teacher who shall have obtained such a Certificate to every *Eighty* Scholars in the School, and not less than One Pupil Teacher to every *Forty* Scholars:

(4.) That the Register of the Admission and daily Attendance of every Scholar at the said School herein-after provided for shall be open to the Inspection of the Secretary or Chief Clerk of the School Committee at any Time; and that the said Managers or Trustees, or the principal Teacher at the said School, will, when required by the said School Committee, give to them in Writing a Certificate, signed by the Chairman or the major Part of the Trustees or Managers, to the

Effect that such Register so inspected by the said Secretary or Chief Clerk is correct:

(5.) That if any distinctive Religious Formulary be taught in the School, the Time when such Teaching shall take place shall be fixed by the Trustees or Managers of the said School, and be specified in some Table to be openly exposed in the said School; and every Change in such Time which shall be made by the said Trustees or Managers shall be in like Manner openly set forth in the Table; and in the Case of any Child whose Parent or Guardian shall express a Wish, either in a personal Interview with the Trustees or Managers or the principal Teacher of the School, or in some Document signed by such Parent or Guardian, that the Child shall not be taught any such distinctive Religious Formulary, such Child shall not be so taught the same, but shall be set to some other Instruction, or shall be allowed to leave the School, during the Time that such Formulary is being taught:

(6.) That no Child, as a Condition of Admission into or Continuance at the School, or of being entitled to participate in any special Benefit thereat, shall be required to attend or to abstain from attending any particular School or Place of Worship on Sunday or Fast or Festival Days:

(7.) That where Children above the Age of *Seven* Years shall be received in the School, the general Course of Instruction therein shall include the following Subjects: Reading, Writing, English Grammar, Arithmetic, Geography, English History, as well as Book-keeping for the Boys, and Needlework for the Girls:

(8.) That every Child, not disqualified by reason of his being deaf, dumb, blind, insane, idiotic, or imbecile, nor labouring under any contagious or infectious Disorder, nor previously convicted by any Justice or in a Court of Law of any Crime, nor previously expelled from any other School in the Borough, with, after the Adoption of this Act, the Concurrence of the School Committee, shall, if Application be made on its Behalf, be admitted into and permitted to remain in the said School so long as there shall be sufficient Space therein to allow *Nine* Square Feet for each Child:

(9.) That no Child once admitted shall be dismissed therefrom on the Ground of the Want of Accommodation resulting from the subsequent Admission of another Child; provided, that the Managers or Trustees shall not be bound to continue any Child who does not attend at least *Four* Days in each Week

Week, or *Sixteen* complete Days during Four successive Weeks:

(10.) That in respect of every Scholar, excepting in the Cases herein-before provided for, a Fee not less than *One Penny* nor more than *Fourpence* for every Week shall be paid to the Trustees, Managers, or Teacher of the School:

(11.) That they will accurately keep all such Registers or other Documents as may be required to enable the Trustees or Managers to obtain the Capitation Fees payable from Time to Time out of the Parliamentary Grant for Education; and *once* in every Year, when required by the School Committee, the Trustees or Managers will make a Return to the said Committee of the Number of the Scholars in respect of whom such Capitation Fees would be payable to the said Trustees or Managers.

School Committee not to interfere with the Management or Constitution of the School.

XLI. Except so far as the above Regulations extend, the School Committee shall not interfere with the Management, Constitution, Discipline, Instruction, or other Arrangements of any School admitted into Union.

Application, if unsuccessful, may be renewed.

XLII. No Refusal to admit any School into Union, whether confirmed by the said Committee of Council or otherwise, shall prevent the subsequent Admission thereof into Union, if an Application be duly made on behalf of the same School at any Time after such Refusal, and the School shall, upon such subsequent Application, be admissible, according to the Provisions of this Act.

The Proceedings of Trustees not to be impeachable in Law or Equity.

XLIII. No Act of the Trustees or Managers of any such School, or the major Part of them, in placing it in Union with the said Committee, shall be deemed in any Court of Law or Equity to be a Breach of Trust, or require the Sanction or Direction of any such Court, or of the Charity Commissioners for England and Wales.

School Committee may appoint Persons to examine Schools.

XLIV. In case the School Committee shall at any Time believe that the Regulations applicable to any such School are not duly complied with they may send any Inspector to report and examine into the State of any School admitted into Union with them, and the Scholars thereat, in respect of the due Observance of the Regulations and Condition upon which such School was so admitted, and to report to them accordingly; and such Person shall have full Power to enter the said School for the Purpose of making such Inspection; and if he be obstructed by the Trustees or Managers, or by any Person acting under them or by their Authority, and be prevented from making the requisite Examination, (the

Time of his Visit and Examination being reasonable,) the said Committee may forthwith declare the Union of such School with them to be dissolved, and shall thereupon send Notice accordingly to the Trustees or Managers thereof.

Union to be dissolved on Breach of Conditions.

XLV. In any School so admitted into Union as aforesaid, if any Condition of Admission into Union in this Act specified, or any Regulation herein prescribed for the School, be broken, neglected, or disregarded by the Trustees or Managers thereof, as the Case may be, or if any illegal or immoral Act, Principle, or Practice be advisedly taught therein, after Notice duly given to the Trustees or Managers, the School Committee may, if they shall deem proper, declare the Union of such School with them to be dissolved; but the same shall not be dissolved until *Three Months* after the said Committee shall have transmitted a Notice in Writing of the intended Dissolution, under the Hand of their Secretary, to the Trustees or Managers thereof, as the Case may be.

Effect of such Dissolution.

XLVI. When the said Union shall be dissolved, the said School shall cease to be entitled to any of the Benefits of this Act from the Expiration of such Notice as aforesaid.

Appeal against Dissolution.

XLVII. The Trustees or Managers, as the Case may be, of any School, the Union of which shall have been so dissolved, may, within *Three Months* after receiving Notice of such Dissolution, make an Appeal in Writing, purporting to be signed by the major Part of the Trustees or Managers assembled at a Meeting called for the Purpose of considering such Appeal, to the Committee of Council, against the Decision of the said School Committee; and the said Committee of Council may, if they so think proper, receive such Appeal, and investigate the same, and confirm or reverse such Decision of the said School Committee, according as the Merits of the Case may require; and if they shall decide that the Union ought not, under the Provisions of this Act, to have been dissolved, such School shall be deemed to have continued in Union, notwithstanding the said Declaration of the School Committee; and if they confirm the Decision of the said Committee the Dissolution shall continue.

The Committee to publish the Admission into Union or the Dissolution thereof.

XLVIII. The School Committee shall, upon the Admission of any School into Union with them, or upon the Dissolution of the Union of any School with them, give public Notice of such Admission or Dissolution respectively in the said Borough by Notice on the School Door, and in the Newspapers circulating in the said Borough.

XLIX. The

XLIX. The Trustees or Managers of any School admitted into Union may withdraw from such Union, if they think fit, provided they give a Notice in Writing, signed by the major Part of the Trustees or Managers, of their Intention, *Three* Months before the Date of such Withdrawal, but not otherwise. The Trustees or Managers may withdraw, on Notice.

L. The Parent or Guardian of any Child residing within the Borough may send his Child to any School in Union with the said School Committee, and such Child, not being disqualified as above described, shall be admitted into such School, provided there be Accommodation therein for such Child as above declared, and shall be retained and taught therein so long as such Parent or Guardian shall require. Parent may send his Child to any School in Union.

LI. Provided nevertheless, That the Managers or Trustees of such School shall not be bound to retain therein any Child who shall not attend *Four* Days in each Week, or *Sixteen* complete Days in Four successive Weeks, such Days to be computed according to the School Hours in ordinary Day Schools in the Borough. Proviso. Children not duly attending School need not be retained.

LII. The Managers or Trustees shall cause a Register to be kept at the School in the Form set forth in the Schedule (E.) hereunto annexed, in which shall be inserted the Christian Name, Surname, and Age of every Child admitted into it, the Place of Abode, and the Occupation or other Description of its Parent or Guardian, and the Date of the Admission, Discharge, or Withdrawal of such Child, and shall cause a Return, in Papers to be supplied by the School Committee, containing a Description of every Child admitted and discharged or withdrawn from such School, to be transmitted by some Person on their Behalf every Week to the Secretary or Chief Clerk of the School Committee. Register to be kept in every School in Union.

Inspection of the Schools.

LIII. The School Committee shall cause every School in Union with them to be inspected by some duly authorized Inspector *once* at least in every Year. Schools to be examined yearly.

LIV. Subject to the Provisions herein-before contained the Inspection of any School in Union with the said School Committee by an Inspector appointed by Her Majesty or Her Successors shall be deemed sufficient for the Purposes of this Act. Inspection of the School by Her Majesty's Inspector sufficient.

LV. Every School Inspector, whether appointed by Her Majesty, or by the School Committee, as herein-after provided, shall transmit to the said Committee *once* every Year a Report upon every School in Union with the said School Committee which he shall have inspected during Report of Her Majesty's Inspector.

during the Year preceding such Report, and as to the Efficiency of every Teacher or Pupil Teacher employed in such School.

Application by Committee for Local Inspectors, and their Appointment.

LVI. The School Committee shall appoint One or more Officers for the Inspection of the Schools in the said Borough, to be termed Local Inspectors, as the Committee shall from Time to Time deem requisite, and shall pay them such Salaries as they shall deem to be suitable, which Inspectors may be suspended or removed at the Discretion of the Committee.

Periodical Reports of the Local Inspectors.

LVII. Every Local Inspector shall make such Reports to the said Committee as they may require during such Period, and the said Committee shall publish such Parts of their Reports and in such Manner as they shall deem expedient, but no such Inspector shall inquire into or report upon any Religious Instruction which shall be given in any School which he may inspect.

Examination of the Scholars.

LVIII. The Inspectors who shall inspect the Schools in Union with the said School Committee shall at their annual Examination select such Scholars in the School which they shall inspect as they shall deem fitting for a public Examination, and shall report in Writing the Names of such Scholars to the said Committee, who shall, at such Time as they shall deem expedient, direct that all the Scholars named in the several Reports of the said Inspectors shall be publicly examined by the Local and such of Her Majesty's Inspectors, if any, as may be at the Time within the Borough, and may offer such and so many Rewards and Gratuities to the most deserving Scholars at such Examination, and give such Certificates of Merit to the Scholars so examined, as the examining Inspectors shall recommend, and may pay such Rewards and Gratuities as they shall, upon the Recommendation of the Examiners, deem fitting.

Entries to be made by the Inspector.

LIX. Every Inspector, whether appointed by Her Majesty or by the School Committee, shall enter in a Book, to be provided and kept for this Purpose at the School which he shall inspect, the Date of his Visit, the Hour of his Arrival at the School and his Departure therefrom, the Number and Description of the Classes of Scholars, and the Subjects of Education into which he shall have examined; and such Book shall be kept in the said School by the said Trustees or Managers thereof, or under their Direction, free from Erasures, Mutilation, or Destruction, and shall be open at all reasonable Times to the Inspection of the Secretary or Chief Clerk of the said Committee, or some other Officer appointed by them for the Purpose, for Inspection and Perusal, and such Secretary or other Officer may make any Extract from or Copy of the Entries therein; and any Person wilfully

wilfully mutilating, erasing, or destroying any such Book, or any Entry therein, shall be liable to a Penalty not less than *Forty Shillings* nor exceeding *Ten Pounds* to be recovered on a Summary Conviction before Two Justices or a Stipendiary Justice.

PAYMENT OF THE FEES.

List of Scholars to be made out by the Trustees or Managers quarterly, and transmitted to the Committee, with Certificate.

LX. At the End of every Quarter of the Year, ending on the *Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and Twenty-fifth Day of December*, the major Part of the Trustees or Managers, as the Case may be, of every School in Union with the said School Committee, shall make out a List of the Scholars entered in the Register kept in their School, and set out the Number of Weeks during the Quarter last completed in which each Scholar shall have attended the said School, distinguishing between Boys and Girls above and under *Seven* Years of Age, and Infants between *Four* and *Seven* Years of Age, and forward such List to the said School Committee, addressed to their Secretary or Chief Clerk, accompanied by a Certificate, signed by the major Part of the Trustees or Managers, of the due Observance of the Conditions upon which such School shall have been admitted into Union with the said Committee, according to the Form in the Schedule hereunto annexed marked (F.)

The School Committee to pay the Fees according to the List.

LXI. The said School Committee, upon Receipt of such List, accompanied by such Certificate as last aforesaid, shall cause the same to be verified by Comparison with the Weekly Returns from the Register, and forthwith, if the same shall be found to be correct, or if incorrect, then after the Error shall have been corrected, shall cause Payment to be made to the Managers or Trustees of the said School, according to the Rate following; that is to say, for every Boy above the Age of *Seven* Years, not being a Free Scholar, the Sum of *Threepence* and *One Halfpenny*, in respect of his Attendance at the said School in each Week during the preceding Quarter as aforesaid; and for every Girl above that Age, not being a Free Scholar, the Sum of *Threepence* in respect of each Week as aforesaid; and for every Infant between the Ages of *Four* and *Seven*, not being a Free Scholar, the Sum of *Twopence;* and in respect of Free Scholars admitted according to the Provisions of this Act, the Rates shall be for every Boy above *Seven* Years of Age *Sixpence* for each Week, for every Girl above that Age *Fivepence*, and for every Infant as above *Fourpence.*

What shall be a Week in a Day School.

LXII. The Attendance of a Child at the School for *Four* Days in the Daytime, computed according to the usual School Hours in Day Schools in the Borough, between Sunday and the following Sunday, but

but exclusive of both those Days, shall be counted as the Attendance for a Week above referred to in every Day School; provided, that in Case a Child should be unable to attend in any One Week *Four* Days, computed as above, but shall attend for a greater Period during any immediately succeeding Week or Weeks, such additional Attendance shall be calculated so as to entitle the Trustees or Managers of the said School to the Payment of School Fees in respect of every Week in some Day of which there shall have been an Attendance, provided the Attendance during the *Four* consecutive Weeks computed together shall be equal to *Sixteen* Days.

Payment for Children in Factories within the Meaning of the Factory Acts.

LXIII. If the Scholar be a young Person or a Child, within the Meaning of the Factory Acts, the said Committee shall pay the Sum of *Threepence* for every Boy and *Twopence* and *One Halfpenny* for every Girl in respect of each Week during which such Scholar shall have attended the School for *Twelve* Hours at the least, or for *Forty-eight* Hours in Four consecutive Weeks, if the Attendance shall not have been to the Extent in the last preceding Clause.

Payment of the Fees in Evening Schools.

LXIV. If the School be One which is open in the Evening, the Committee shall pay the Sum of *Twopence* for every Scholar in respect of each Week during which such Scholar shall have attended at the least *Six* Hours; provided, that the Trustees or Managers of any such Evening School shall not be entitled to Payment for the same Scholar in respect of its Attendance during the Day and also during the Evening.

Mode of Application of the Payments of the School Fees.

LXV. The Trustees or Managers to whom any Sums of Money shall be paid, under the Provisions herein-before contained, shall apply the same in manner next herein-after mentioned; that is to say, they may apply a Portion not exceeding *One Fourth* Part thereof in Payment of, for, or towards the Purchase of Books and Stationery to be used by the Children in the Schoolrooms, and for or towards the cleaning and warming of the Schoolrooms, and the Insurance from Fire of the School Buildings, and the Furniture and Apparatus therein, and for or towards the keeping of the Schoolrooms, Furniture, and Apparatus in good Condition, or for or towards all or any of such Purposes, and shall apply the Residue of such Sums of Money, being not less than *Three Fourth* Parts thereof, in Payment of the Teacher or Teachers of the Schools; and if such Application be not made of such *Three Fourth* Parts as aforesaid, it shall be competent for the School Committee to declare the Union of such Scholar with them to be dissolved.

RAISING THE FUND REQUIRED FOR THE PURPOSES OF THE ACT.

District School Committee to make Orders of Contribution on Overseers.

LXVI. To provide for the Charges and Expenses which will arise under this Act, the School Committee shall, from Time to Time, as they shall find requisite, according to the Proportions herein-after prescribed, make Orders upon the Overseers of the Poor of the several Parishes within the Borough to contribute such Sums of Money out of the Poor Rate of such Parishes respectively as shall be specified in such Orders, which shall be in Writing, signed by the presiding Chairman at the Meeting when the same shall be directed to be issued, and by Two Members of the said Committee, and shall be countersigned by their Secretary or Chief Clerk, and shall require the Sum mentioned therein to be paid on a certain Day to the Banker or Bankers of the said Committee, or to their Treasurer, if they shall have such an Officer.

To enforce them as Boards of Guardians.

LXVII. Every such Order shall be enforced by the said Committee in like Manner and by the same Means as Orders of Contributions upon Overseers shall from Time to Time be enforceable by Guardians of the Poor, the Chairman or Vice-Chairman of the said Committee being competent to make Application to the Justices, and any Officer appointed by the said Committee for such Purpose being empowered to conduct the Proceedings on their Behalf before such Justices.

Contributions to be in proportion to Amount of annual rateable Value of Property in Parish.

Committee may require the Production of the Note Books.

LXVIII. The Amounts to be contributed to the general Account of the School Committee by every Parish therein shall be apportioned by Reference to the annual rateable Value of the Property therein assessable to the Relief of the Poor; and the said Committee may, as and when they shall see occasion, require the Overseers, Assistant Overseers, or Collectors of the Poor Rate having in their Custody, Possession, or Power the then current Poor Rate, to produce the same to them, subject to the like Penalty in case of Refusal or wilful Neglect as is herein provided in the Case of a Neglect to produce the same to the Returning Officer.

Provision for divided Parishes.

LXIX. Where Part of a Parish only is comprised in any Borough, the Order of the said Committee shall be computed with reference to so much of the rateable Property as shall be within the said Borough, and the Overseers of such Parish shall raise the Amount of such Order by a special Rate upon the Occupiers of such Property, to be termed the School Rate, and in respect thereof such of the Provisions of the Statutes of the Thirteenth Year of the Reign of Her Majesty, Chapter Sixty-five, and those of the Fourteenth Year of Her Reign, Chapter One hundred and three, as apply to Borough Rates in

divided Parishes, shall apply to such School Rate, and the same shall be within the Operation of so much of the Statute of the Fifty-ninth Year of the Reign of King George the Third, Chapter Twelve, and of the Statute of the Fifteenth Year of the Reign of Her Majesty, Chapter Ninety-nine, and of any Local Act, as applies to the rating of the Owners of Small Tenements in the Place of the Occupiers.

Committee to keep Ledgers, to be open to the Inspection of the Ratepayers.

LXX. The said Committee shall keep accurate Accounts in proper Books of the Sums of Money from Time to Time received and paid by them, and of all their pecuniary Transactions, under proper Heads; and every such Book shall be open for the Space of Two Weeks after *Lady Day* and *Michaelmas Day* in each Year, between the Hours of Ten in the Forenoon and Two o'Clock in the Afternoon, except when the School Committee shall be sitting, to the Inspection of any Ratepayer assessed to the Poor or School Rate who shall not be in arrear in respect of the then current Rate.

Financial Statements to be kept annually, and to be audited.

LXXI. The School Committee shall at *Michaelmas* in every Year cause to be prepared and made out an accurate Financial Statement and Balance Sheet of their Receipts and Payments during the Year or Portion of the Year, as the Case may be, and shall submit the same, signed by their Chairman or Vice-Chairman, and countersigned by their Secretary, to the Officer for the Time being by Law empowered to audit the Accounts of the Union or Parishes comprised within the said Borough, and if there be several such Officers, then of the Officer who shall be the Auditor of the greater Number of Parishes therein, for Examination, with the Ledgers and Accounts of the said Committee, which Officer shall have the like Power to allow and disallow Payments, and to recover all Sums disallowed or surcharged by him from the Persons making or authorizing illegal Payments, as in the Case of his Audit of the Poor Rate, and shall be paid his Costs, where not recoverable from the Party complained against, by the School Committee; and after the said Accounts shall have been corrected by him, if necessary, and approved of, such Approval being testified by his Signature to the said Balance Sheet, the said Committee shall cause the same or an Abstract thereof, approved of by the said Auditor in like Manner, to be published forthwith in some Newspapers circulating within the Borough as they may think proper.

Saving Clause.

LXXII. Nothing herein contained shall affect or control any Clause in the Acts regulating the Employment of Children in Factories which relate to the Education of such Children, nor the Distribution of the Parliamentary Grant for the Promotion of Education in England and Wales, except in respect of such Payments as shall be

be made under the Direction of the Committee of Council under the Name of Capitation Grants, which shall not be made to the Trustees or Managers or any other Person on behalf of any School which shall for the Time being be in Union with the School Committee, but shall be paid to the said Committee to be applied by them in aid of their Funds for the Purposes of this Act. Capitation Grants to be paid to the Committee.

INTERPRETATION OF WORDS.

LXXIII. The Word "Trustee" shall signify any Person in whom is vested, by Deed or other legal Instrument, the Management of any School, whether he do or do not also hold the legal Estate thereof: Interpretation of Words: "Trustee:"

The Word "Manager" shall signify any Person who in like Manner has actually the Management of any School, whether duly appointed to such Management or not, and though the legal Estate of the School may be in some other Person or Persons: "Manager:"

The Words "Committee of Council on Education" shall mean the Lords of the Committee of Council on Education, or other Persons or Minister for the Time being appointed to superintend the Application of any Sums voted by Parliament for the Purpose of promoting public Education: "Committee of Council on Education:"

The Words "Her Majesty's Inspector" shall mean an Inspector of Schools appointed by Her Majesty or Her Successors to visit Schools aided by public Money: "Her Majesty's Inspector:"

The Word "Borough" shall apply to every Municipal Corporation, that of "Mayor" to the principal Head Officer presiding in every Borough, and that of "Town Clerk" to every Person for the Time being filling such Office: "Borough:" "Mayor:" "Town Clerk:"

The Word "Parish" shall apply to every Place separately maintaining its own Poor, and the Word "Overseers" shall also include the Churchwardens, so far as they are authorized or required by Law to act in the Collection or Distribution of the Poor Rate, and the Guardians, Vestry, Trustees, or other Persons to whom the making and collecting of the Poor Rate shall be intrusted by any Local Act. "Parish:" "Overseers:"

LXXIV. In reference to the Words "Trustees" or "Managers," as used herein, the Acts of the Trustees, where there are any such, the Acts of the Managers, where there are no Trustees as herein defined, shall be taken to be intended for the Purposes of this Act. Application of the Words "Trustees" or "Managers."

LXXV. Whenever by the Provisions of this Act the Approval, Assent, or Verification of the Committee of Council on Education is required to any Act, Regulation, Scheme, Fact, or Document, a Certificate of such Approval, Assent, or Verification, purporting to be signed by the Secretary of the said Committee of Council, or some What is meant by "Committee of Council."

other Officer of such Committee on their Behalf, shall be deemed sufficient Evidence of such Approval, Assent, or Verification, in all Courts of Law and Equity and elsewhere, unless Evidence be given to contravene the same.

Provision for the Cessation of the Committee of Council.

LXXVI. If hereafter the said Committee of Council on Education shall cease to act, but some other Board or some Minister shall be appointed for the Superintendence, Guidance, or Control of public Education in England, all the Powers and Authorities herein conferred upon such Committee of Council shall be vested in such Board or Minister; and if no other Board or Minister shall be so appointed, then the same shall be vested in the Secretary of State for the Home Department for the Time being.

Name of the Act.

LXXVII. In all Documents, Instruments, Forms, and Proceedings, and on every Occasion, this Act may be cited as "The Borough Education Act, 1857."

SCHE-

SCHEDULE OF FORMS.

(A.)

REQUISITION TO THE MAYOR.

To the Worshipful
Mayor of the Borough of
in the County of

WE, the undersigned, being not less than *One hundredth Part* of the Persons assessed to the Poor Rate in the said Borough, do hereby require you forthwith to take proper Means to ascertain whether the "Borough Education Act, 1857," shall be adopted in this Borough.

As witness our Hands, this Day of [and following Days] in the Year 185 .

Names of Persons.	Description of the Property for which assessed.

(B.)

FORM OF VOTING PAPER.

_____ School District.

VOTING PAPER.

VOTING PAPER for the of

	No. of Voting Paper.	Name and Address of Voter.	

Directions to the Voters.

The Voter is entitled to vote for Members and no more.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but the Name of the Voter must be filled in by another Person, who must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote, and sign his own Name in full, and state his Profession, Trade, or Calling, and the Place of his Abode.

This Paper must be carefully preserved by the Voter, as no Second Paper will be given. It must be kept ready for Delivery to Mr. , who will call for the same on day next. No other Person is authorized to receive the Voting Paper.

If the Voting Paper be not ready for the Person appointed to collect it when called for, the Vote will be lost; it will also be lost if more than Names be returned in the List with the Initials of the Voter placed against such Names, or if the Voting Paper be not signed by the Voter, or if the Mark of the Voter be not attested as above directed.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated as Members.	Residence of Persons nominated.	Quality or Calling of the Persons nominated.	Names of Nominators.	Address of the Nominators.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

Voter's Name who cannot write _____

His Mark [X]

Witness to the Mark _____

Profession, Trade, or Calling of the Witness _____

And his Place of Abode _____

(C.)

FORM OF CERTIFICATE AS TO POVERTY OF SCHOLAR.

To the School Committee of the Borough of .

THIS is to certify, That we have made due Inquiry as to the State and Condition of of in the said Borough, who has been admitted as a Scholar into the School at in the said Borough, and is to be educated therein without the Payment of any Fee, and we are satisfied that [he *or* she] is a poor Orphan unable to pay any Fee for Education [*or* is a poor Child whose Parent or Parents are so destitute as to be unable to pay any Fee for the Education of such Child].

As witness our Hands, this Day of in the Year at in the said Borough.

Witness,

_____

of_____.

_____
_____
_____
_____
} Trustees [*or* Managers] of the said School.

(D.)

FORM OF APPLICATION FOR ADMISSION INTO UNION.

To the School Committee.

We, whose Names are hereunto subscribed, being the major Part of the Trustees [*or* Managers] of the School, situated at within the and established for the Education of Children belonging to the Established Church [*or* the Wesleyan Congregation, *or* the Roman Catholic Church, *or*, *here describe any other Denomination of the School*], do hereby make Application to the School Committee of the Borough of to be united with the said Committee for the Purposes of the Borough Education Act, 1857, and undertake to fulfil the Conditions and Regulations prescribed and required by that Act and hereunder written, in the event of the said School being admitted into Union ; and we do

hereby declare that the said School is capable of accommodating [ ] Children and no more, allowing at least *Six* Square Feet to each Child.

REGULATIONS.

[*Here set out such of the Regulations set out in the above Act as shall apply to the School.*]

As witness our Hands, this Day of 18 .

_____
_____
_____
_____
_____
_____

} The major Part of the Trustees [*or* Managers] of the School.

Witness to the Signatures of the Parties here mentioned

_____

of *Street.*

(E.)

REGISTER OF ADMISSION AND WITHDRAWAL.

Name, Christian and Surname.	Index No.	Date of Admission.		Age at Time of Admission.	
		Year.	Month.	Years.	Months.

(*continued.*)

Residence.	Occupation of Parents.	Means of previous Instruction, if known to the Trustee.	Date of Child's Admission to each successive Class of School.

(*continued.*)

Withdrawal.		Time in the School.			Assigned Reason, if known to the Trustees.
Date.	Age.	Years.	Months.	Class.	

(*continued.*)

Whole Time during which the Child has been at School before coming to this School, if known.		Proposed Occupation.	Signature of the Child.	
Years.	Months.		At the Time of Admission.	

F.

LIST OF SCHOLARS TO BE PAID FOR, AND CERTIFICATE OF DUE OBSERVANCE OF THE CONDITION OF UNION.

To the Secretary of the School Committee.

WE, the undersigned, being the major Part of the Trustees [*or* Managers, *as the Case may be*,] of the School, situated at , which hath been united with the School Committee, do hereby set forth the List of the several Scholars who have attended the said School during the Quarter of the Year ending on the Day of last, according to the Schedule hereunto annexed, and the Number of Weeks, according to the Provisions of the "Borough Education Act, 1857," during which such Scholars have attended the said School; and we claim the Sum of in respect of Boys above the Age of *Six*, and the said Sum of in respect of Girls, and the Sum of in respect of Boys under the Age of *Six*. And we do hereby certify, that all the Conditions required to be performed by reason of the Union of the said School with the said School Committee have been strictly observed during the last Quarter.

SCHEDULE:—LIST OF SCHOLARS, AND PERIODS OF ATTENDANCE.

BOYS ABOVE *SEVEN*.

Name.	Place of Abode.	No. of Weeks Attendance.	Sum due.

GIRLS ABOVE *SEVEN*.

INFANTS BETWEEN *FOUR* AND *SEVEN*.

FREE SCHOLARS.

BOYS ABOVE *SEVEN.*

Name.	Place of Abode.	No. of Weeks Attendance.	Sum claimed.

GIRLS ABOVE *SEVEN.*

INFANTS BETWEEN *FOUR* AND *SEVEN.*

		Total claimed - -	

As witness our Hands, this Day of 18 .

Countersigned by _____

_____
Teacher of the said School.

_____
_____
_____
_____
_____
_____
} The major Part of the Trustees [*or* Managers] of the School.

Education (Cities and Boroughs).

A

BILL

To promote Education in Corporate Cities and Boroughs in England and Wales.

(*Prepared and brought in by Sir John Pakington, Mr. Cobden, Lord Stanley, and Mr. Headlam*).

Ordered, by The House of Commons, *to be Printed,* 18 *February* 1857.

[Bill 21.]

Under 5 oz.

Extra-parochial Places Bill.

ARRANGEMENT OF CLAUSES.

Every Extra-parochial Place to become a Parish for the Relief of the Poor and certain other Purposes. The Justices to appoint Overseers; Sect. 1.

One Overseer only may be appointed by the Justices; 2.

Provision for the Inns of Court; 3.

Justices at the Quarter Sessions may, upon Application and with Consent, annex any Extra-parochial Place to an adjoining Parish; 4.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect; provided that no paid Overseer shall act as Guardian; 5.

All the Powers and Obligations of Overseers extended to Overseers appointed under this Act; 6.

Certain Places excepted; 7.

Provision for Extra-parochial Places adjoining Districts acting under Local Acts; 8.

Interpretation Clause; 9.

A

BILL

TO

Provide for the Relief of the Poor in Extra-parochial Places.

WHEREAS it is desirable that Provisions should be made for the Relief of the Poor in Extra-parochial Places: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. After the *Thirty-first Day of December One thousand eight hundred and fifty-seven*, every Place entered separately in the Report of the Registrar General on the last Census which now is or is reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, shall for all the Purposes of the Assessment to the Poor Rate, the Relief of the Poor, the County, Police, or Borough Rate, the Burial of the Dead, the Removal of Nuisances, the Registration of Parliamentary and Municipal Voters, and the Registration of Births and Deaths, be deemed a Township, and shall be designated by the Name which is assigned to it in such Report; and the Justices of the Peace having Jurisdiction over such Place or over the greater Part thereof shall appoint Overseers of the Poor therein; and with respect to any other Place being or reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, such Justices may appoint Every Extra-parochial Place to become a Parish for the Relief of the Poor and certain other Purposes. The Justices to appoint Overseers.

Overseers of the Poor therein, notwithstanding anything contained in the Hundred and first Chapter of the Statute passed in the Session of Parliament of the Seventh and Eighth Years of Her present Majesty.

One Overseer only may be appointed by the Justices.

II. If in any Extra-parochial Place it shall appear to the Justices that Two Overseers cannot conveniently be appointed from the Inhabitant Householders thereof, or are not required for such Place, such Justices may appoint One only; and if it shall appear to them that there is no such Householder liable or fit to be appointed they shall appoint some Inhabitant Householder of an adjoining Parish willing to serve to be such Overseer, either with or without an annual Salary, such Salary, if any, to be approved of by the Poor Law Board, and to be paid out of the Poor Rate of such Place; and such last-mentioned Appointment shall enure until the usual Time of the Appointment of Overseers, and may be renewed from Year to Year as long as the Justices shall find necessary.

Provision for the Inns of Court.

III. Provided, That in each of the Places termed the Inner Temple, the Middle Temple, and Gray's Inn, the Officer for the Time being acting as the Under Treasurer of such Inn of Court shall be the Overseer of such Place; and in default of any such Officer, the Justices having Jurisdiction in such Inns respectively shall appoint some Inhabitant Householder therein to be the Overseer thereof for the then current Year, and thenceforth from Year to Year so long as the Office of Under Treasurer shall be vacant.

Justices at the Quarter Sessions may, upon Application, and with Consent, annex any Extra-parochial Place to an adjoining Parish.

IV. If the Major Part of the Owners and Occupiers respectively of the Land comprised in any Extra-parochial Place owning and occupying *Two Thirds* in Value at least of such Land shall express their Desire in Writing, signed by such major Part, that such Place be comprised in or annexed to any Parish for the Purposes aforesaid, and such Parish shall consent thereto, such Consent to be expressed by a Resolution of the Vestry, after due Notice, the Justices of the Peace in Quarter Sessions assembled, or the Recorder of the Borough if such Place be situated within a Borough subject to the Jurisdiction of a Recorder, may make an Order for the Annexation of such Place to such Parish, and thenceforth the same shall be deemed to be Part of the said Parish for all such Purposes.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect.

V. If any such Place should be added to any Union the Overseer or Overseers thereof shall act as the Guardian or Guardians of such Place at the Board of Guardians of such Union until there shall be Ratepayers thereof qualified to elect a Guardian; provided that if the Poor Law Board should direct One Guardian only to be appointed

appointed for any such Place, and there shall be Two Overseers appointed for the same, the Overseer first appointed, or whose Name shall stand first in the Warrant of Appointment, shall act as such Guardian, and in the case of his Decease or Incapacity during the Year of Office the other Overseer shall thenceforth act as such Guardian; provided also, that no such paid Overseer as aforesaid shall be authorized to act as a Guardian.

All the Powers and Obligations of Overseers extended to Overseers appointed under this Act.

VI. The Overseers or Overseer appointed under the Authority of this Act shall have all the Powers, Authorities, Privileges, Exemptions, and Protections which Overseers now or hereafter shall possess, and shall be subject to all the Obligations, Responsibilities, Penalties, and Consequences which Overseers are now or may hereafter be liable to.

Certain Places excepted.

VII. Provided, That nothing above contained shall apply to any Extra-parochial Place in respect whereof there shall be any Agreement or Arrangement, sanctioned or declared by any Local Act of Parliament, with any Parish as to the Liability of such Place to contribute to the Poor Rate of such Parish.

Provision for Extra-parochial Places adjoining Districts acting under Local Acts.

VIII. Where there is any Extra-parochial Place contained in or adjoining to any District comprising any Parish or Parishes, in which District the Relief of the Poor is administered under the Authority of a Local Act, the Poor Law Board may by Order direct such Place to be added, for the Purposes of Administration of Relief to the Poor, to such District, upon such Conditions and subject to such Provisions and Regulations as shall appear to them to be necessary for such Purposes.

Interpretation of Terms and Consolidation of the Acts.

IX. The Words used in this Act shall be construed in the like Manner as in the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King William the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

Extra-parochial Places.

A

BILL

To provide for the Relief of the Poor in Extra-parochial Places.

(*Prepared and brought in by Mr. Bouverie and Mr. Grey.*)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1857.

[Bill 22.]

Under 1 *oz.*

Fiscal Affairs (Ireland) Bill.

SUMMARY OF THE BILL.

The Numbers refer to the Clauses of the Bill.

The Preamble recites, that it is expedient to make Provision for the Administration of local Affairs in Ireland by Councils, elected by the Magistracy and the Ratepayers, and to give Facilities for the Execution of Works of public Utility which now require the Consent of Parliament.

Clauses.

1 The Lord Lieutenant is authorized to divide Ireland into Districts for the Purposes of the Act, the Boundaries of which are to be identical with those of the present Poor Law Unions, whenever practicable.

6 The fiscal Affairs of the Districts are to be managed by Councils. The Council of a District is to be composed of Wardens, elected by the Ratepayers of the several Electoral Divisions, and of the Magis-

11, 12 trates resident within it. The Council is to be elected for Four Years; but Half of the elected Wardens are to go out of Office at the

32 End of Two Years. There are to be Four General Meetings of the

25, and Council within the Year. The Council appoints an Executive Com-

64 to 77 mittee, having continuous Powers. The Members of the Executive Committee are to be paid their reasonable Expenses for Attendance.

24 The District Councils are to be Corporate Bodies.

The First Elections are to be made under the Superintendence of

15 to 19 the Poor Law Commissioners, and in the same Manner as Poor Law Guardians are elected.

The Duties which are imperative on the District Council are as follows:

40 1. The Maintenance of the main Lines of Communication within the District:

2. To make Provision, by the Levy of sufficient Rates, for all County or District Charges or Expenditure.

42 The discretionary Powers of the Council are of Three Classes:

A. Powers which the District Council can only exercise with the Concurrence of the County Council; viz.

1st. The Execution of Works, at the Charge of the District, which have not heretofore been presentable by Grand Juries:

Clauses.

2d. The Power of borrowing Money on the Security of the Rates:

3d. The Sanction of Works of private Enterprise for public Use, and for the Use of which Tolls or Rates of Payment are intended to be charged:

4th. The Sanction of Works of private Enterprise which are not for public Use, but by which the public Interests may be affected:

41 B. Powers which the District Council can exercise independently of the County Council (except on Appeal), but which require the Assent of Two consecutive Councils of the District; viz.

The Execution of Works heretofore presentable by Grand Juries which it is proposed to execute at the sole Charge of the District:

52 to 62 C. Powers which can be exercised by the District Council, and in respect of which a Second Consideration by the Council is not required; viz.

Repairs of Roads and Public Works. Contracts for maintaining Roads in repair. The Payment of Salaries, fixed Charges, Compensations, &c. &c.

The Sanction of certain Works of private Enterprise which, though of public Utility, are not for public Use, and which do not involve any Charge on the District.

78 The Decisions of the District Council may be appealed against to the Council of the Council:

One Fourth of the Council may appeal against the Decision of the Majority:

81 The Wardens of any Electoral Division may appeal, at the Risk of their Division:

79 Any Ratepayer may appeal at his own Risk, but must give Security for the Payment of Costs if he fails in establishing the Cause of Appeal.

43 to 51 The general Mode of proceeding in respect of Applications to the District Council (if of the Class B.) is as follows:—The Application must be lodged in the Council Office Thirty Days before the Day of Meeting of the Council, and the Engineer of the District must prepare himself, by local Examination or otherwise, to be able to advise the Council in respect of it. If the Application shall be "approved" of by the Council, it is referred to the Executive Committee. The Duty of the Executive Committee in respect of the Application is, to ascertain, through the Engineer of the District, the Correctness of all the Details of the Plan, and the Cost of executing it, by entering into a Provisional Contract for its Execution, and to report to the Council their Opinion on the Application. The Council

at

Clauses.

at its subsequent Meeting, having before it the Report of the Committee, and a Contract for the Execution of the Work, may "grant" or "reject" the Application. If "granted," and not appealed against
52 to 62 within Seven Days, the Work is to be proceeded with. If the Application be of the Class C. the Council grants or rejects the Application without previous "Approval," or deputes the Power of granting it to the Executive Committee.

If the Application be for a Work which requires the Assent of the County Council (Class A.) and that the Cost of the Work is to be
63, and charged on the District, the Executive Committee of the District
113 to 115 obtains the Provisional Contract for its Execution, and forwards the Application, with the Contract, and any Report they may think proper to make in respect of it, to the County Office. If the Application be "granted" by the Council of the County, the Execution of the Work rests with the Executive Committee of District Council.

In respect of Works of private Enterprise, where an Application shall have received the Sanction of that Council which, under this Act, has the Right (except on Appeal) of final Approval of the Work, it is the Duty of the President, with the Assistance of the Assessor
146 of the County, to superintend the Completion of the Security required by the Council for the due Execution of the Work, and for the Payment of all Costs, Compensations, or Damages attendant on it; to protect public as well as private Interests, by causing all the Requirements of this Act to be duly complied with by the Undertaker; and to sanction the Application of the several Acts of 1845
108, 144 and 1847, referred to in this Act, or so much of these Acts as may be required, for the Execution of the Work; and also such Byelaws as may be required for the efficient Management of the Undertaking.

The financial Affairs of the District are to be managed by the
86 to 90 Council. The Rates required are to be levied as Poor Rates are levied; and in the Case of Leases or Lettings made subsequent to the passing of this Act, the Tenant may deduct from the Rent he pays the same Proportion of the Rate as under the Poor Law.

The Executive Committee of the District Council has Power to act in the Name and with the Authority of the Council, whenever
64 to 77 such Power in respect of any Application shall have been so deputed to it by the Council. It has Power of suspending Officers of the District in Cases of Misconduct, and in Cases of Inability to discharge Duty it may appoint Officers provisionally. It prepares itself to advise the Council on all Questions which are to be brought before it, and superintends, with the Assistance of the Engineer of the
73 District, all Works in progress. It also superintends the Collection
72 of the Rates.

Clauses.

Counties.

91 The fiscal Affairs of Counties are to be managed by Councils, composed as follows:

Each District Council selects so many Deputies to the County Council as the Lord Lieutenant shall direct. The Magistrates of the
92 County select an equal Number of Persons, either of their own Body or otherwise, to represent them. The Persons so selected, together with the Lieutenant or Vice-Lieutenant of the County (if he be not also the President of the County), are to form the Council of the County.

The Council of the County is elected for Four Years. It is a
98 Corporate Body. It is to meet Four Times in the Year. It appoints
103 an Executive Committee, with Power to act in the Name and with the Authority of the Council. The reasonable Expenses of the Executive Committee while in attendance, and also their travelling Expenses, are to be paid by the County at large.

The imperative Duties of the Council of the County are:

103
1. To make Provision for and to maintain in a State of Efficiency all County Establishments and Public Buildings connected with the Administration of Justice, the Public Health, and the Preservation of Law and Order within the County; and also to repair or rebuild, at the Charge of the County at large, all Bridges and Causeways the probable Expense of which shall exceed 200*l.*:
2. To make Provision for all fixed Charges to which the County is liable, and for Charges which any superior Authority has the Right to impose:
3. To appoint proper Persons to discharge the several Duties for which the Council is responsible, and to assign sufficient Salaries to each:
4. To decide Appeals against the Decisions of the District Council, and to hear and investigate Complaints which may be made against the Conduct of a District Council, when called on to do so by the President of the County.

104 The discretionary Powers of the Council of a County are, generally, to do all such Acts or execute such Works as Grand Juries had heretofore Power to do or execute, at the Charge of the County at large; and, with the Consent of a Majority of the District Councils within the County, to execute, at the Expense of the County at large, Works not heretofore presentable by Grand Juries, which the
105 Council shall consider requisite, either for the Convenience or Safety of the Public, the Promotion of Education or the Public Health, or for the Preservation of Law and Order within the County.

In

Clauses.

106 to 110 In respect of private Undertakings, where the Interests of Two or more Districts or of the County generally are affected, the Council of the County may sanction the Undertaking, without the previous Approval of the District Councils.

111 The Mode of proceeding in respect of Applications requiring the Assent of the County Council is, as nearly as the Case admits of, the same as that assigned for the Guidance of the District Council.

173 Appeals against the Decisions of the County Council are to be decided by the Administrative Council of the Lord Lieutenant.

116 to 118 The Financial Affairs of Counties are to be managed by their Councils; but Levies required for County Purposes are to be made through the District Councils.

Presidency of Counties.

125 to 158 The Duty of superintending the Operation of the Act within the County, and of carrying into effect the Decisions of the Council in

146 respect of Works not heretofore subject to the Cognizance of Grand Juries, is vested in the President of the County.

128, 129 The President is assisted by a Vice-President, and also by an Assessor, who is to act as the legal Adviser of the several Councils withinthe Count

125 to 129 The President, Vice-President, and Assessor of the County are selected by the Lord Lieutenant from a List of Persons recommended for each Office by the County Council. Each is paid a salary proportioned to the Extent of his District. They hold Office during the Pleasure of the Lord Lieutenant.

132 to 136 The Salaries payable to these Officers are to be paid out of such Funds as shall be supplied by Parliament for the Purpose, but One Half of the Amount so paid is to be made up by a Stamp Duty on all Applications laid before the Council.

131 The President appoints a Secretary, and also an Auditor of the Accounts of the several Councils.

The Administrative Council of the Lord Lieutenant.

There is to be an Administrative Council to the Lord Lieutenant.

171 The Administrative Council is to be composed of the Chief (or Under) Secretary of Ireland, the Lord Chancellor, Two Judges, the Chairman of the Board of Works, the Chairman of the Poor Law Commission, the several Presidents of the Counties, and Ten such other Persons as shall be selected by the Lord Lieutenant.

176 The Duties and Powers of the Administrative Council are to be in respect of the several Counties of Ireland the same as the Duties and Powers of the Councils of Counties are in respect of the several Districts within them.

Clauses.

173 It is a Court of Appeals from the Decisions of Councils of Counties, and can decide between Counties where their Councils disagree, and also between rival or competing Works.

176 Where any Undertaking by a Company or otherwise shall affect Two or more Counties, the Application is made in the first instance to the Administrative Council.

175 The Lord Lieutenant, as the Representative of Imperial Interests, may dissent from the Decision of the Administrative Council, but must assign Motives for his Dissent.

189 The Lord Lieutenant shall require the Presidents of Counties to report yearly on the State of their Counties, in such Form and on such Subjects as he shall direct; their Reports, with his own Observations thereon, are to be laid before Parliament.

191 The Administrative Council has power to make Regulations for the Management of Lunatic Asylums and other public Establishments which are paid for by Rates levied within the several Counties. It has Power also to organize a System for obtaining Agricultural and

192 other Statistics, and to hear and examine Complaints made against the Conduct of any Commissioners appointed by the Government, under any Act of Parliament, in respect of Drainages, Navigations, or other Works, the Cost of which is to be repaid by local or general Levies of Rates.

Note.—Several of the Clauses contained in the Bill under the Heading of "General Provisions" are to be transposed to other Parts of the Bill, in Committee.

The repealing Clause, the Interpretation Clause, and the Schedules are also to be added in Committee.

(Ireland.)

A

B I L L

TO

Relieve Grand Juries from Fiscal Duties, and to place the Administration of local Affairs in Ireland in elected Councils.

WHEREAS it is expedient to make Provision for the Administration of the local Affairs of Counties and Counties of Cities and Towns in Ireland by Councils elected by the Magistracy and the Ratepayers, and to give Facilities for the Execution of Works of public Utility which now require the Consent of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Lord Lieutenant of Ireland shall within *Twelve* Months after the passing of this Act divide the several Counties of Ireland into Districts composed of Electoral Divisions as herein-after provided, and shall publish in the Dublin Gazette the Names which he shall assign to each District, and the Names of the Electoral Divisions of which it shall be formed; and if at any future Time the Lord Lieutenant and the Administrative Council herein-after constituted shall think fit to make any Alteration in such Districts or Electoral Divisions, they shall be at liberty to do so by similar Publication in the Gazette. Lord Lieutenant to divide Ireland into Districts. (See Cl. 171.)

Fiscal Duties of Grand Juries when to cease.

(See Cl. 91.)

II. Within *Twelve* Months after such First Publication, the Lord Lieutenant shall declare by a like Publication in the Dublin Gazette this Act to be in operation in Ireland, and so soon as County Councils shall have been elected under the Provisions of this Act as herein-after, the fiscal Duties of Grand Juries within the Counties for which such Election shall have taken place shall cease, and all the Rights, Duties, Powers, and Privileges of Grand Juries in respect of fiscal Affairs shall devolve upon such Councils, and from such Period it shall not be lawful for any Grand Jury of any such County, at any Assizes or Presenting Term, to make any Presentment for the Execution of any Public Work or for raising or levying any Money, or to make any Presentment relating to any of the fiscal Concerns of such County.

Rights and Duties of GrandJuries to devolve on Councils.

III. All existing County Officers shall continue in the Discharge of their respective Duties, as well as in the Enjoyment of their present Salaries, until they shall have been relieved from such Duties by the County Council, and from such Period their said Salaries shall cease; and all Property, whether Real or Personal, belonging to any County, and all Property belonging to any Grand Jury of a County, or held by any Person or Persons in trust for such County or Grand Jury, and all Rights and Liabilities of such County or Grand Jury, or of any One or more Persons on its or their Behalf, in respect of any Contract or other Matter, shall, on the coming into operation of this Act in such County, be vested in the Council of such County; and all Actions, Suits, Indictments, or Informations which but for the passing of this Act would have been conducted in the Name of the existing County Officers or of the Grand Jury of the County, or to which they would have been Parties on behalf of the County, shall be continued, and shall for the future be conducted in the Name of the County Council.

How Districts are to be formed.

IV. The Districts into which the several Counties shall be divided shall be as nearly as possible as follows; (that is to say,)

Every Poor Law Union the entire of which is in one and the same County shall be a District for the Purposes of this Act, unless it shall appear advisable to the Lord Lieutenant that any District should be otherwise formed; and in any Case where a Poor Law Union shall be composed of Portions of more than One County, the several Portions thereof which are in different Counties may (Reference being had to their Size, Population, and Value) be either declared to be separate Districts, or the Electoral Divisions thereof or any of them may be added to the most convenient Districts of the County within which they are situated, and thenceforward for all the Purposes of this Act they shall form Portions of such Districts respectively.

V. If

V. If in any City or Town within a District any Local or Public Act for the Improvement of the City or Town be in operation, the Lord Lieutenant may exempt such City or Town from such of the Provisions of this Act as are provided for by such Local or Public Act, but if at any Time thereafter, if it shall be so desired by the Council or Governing Body of such City or Town, or by a Majority of the Ratepayers thereof, the Lord Lieutenant and the Administrative Council may withdraw such Exemption, and declare such City or Town to be in all respects subject to the Provisions of this Act, and in such Case the Operation of such Local or Public Act, except for the winding up of outstanding Accounts, shall cease and determine. Exemption of certain Cities and Towns.

Constitution of the District Councils.

VI. The fiscal Affairs of the Districts so formed shall be managed by Councils constituted as follows: Fiscal Affairs of Districts.

Every Electoral Division within a District shall elect so many Wardens from among the Persons rated for the Relief of the Poor within such Division as the Lord Lieutenant shall, Reference being had to its Size, Population, and Value, direct, and thereafter the Number of Wardens so assigned to the Electoral Division may be altered from Time to Time by the Lord Lieutenant and the Administrative Council: Wardens to be elected.

The Wardens so elected shall, together with the Justices of the Peace resident within the District, form the Council of the District, so nevertheless that there shall not be at any Time a less Number of Justices in the Council than of elected Wardens, but no Stipendiary Magistrate, unless he be rated in respect of Property other than his Residence or the Lands attached thereto, shall act as Member of any Council within the County in which he is stationed. Justices to be appointed.

VII. If there shall not be Justices residing within the District equal in Number to the Wardens elected, the deficient Number shall be supplied as follows; (that is to say,) Number of Justices, how to be supplied.

First, by Justices directly liable to the Payment of Rates within the District, in priority according to the Value of the Property in respect of which they appear by the Rate Books to be liable to such Payment, such Value not being less than *One hundred Pounds* per Annum; and,

Secondly, if the Number of Justices be still deficient, then by the Addition of such Justices as shall appear by the Rate Books to be Owners of Land within the District, in priority according to the Value of the Lands of which they appear to be Owners.

Qualification of Wardens.

VIII. Every Male Person shall be eligible as a Warden who shall appear by the Rate Books to be an Occupier or Owner of Property within the District, provided he be over Twenty-one Years of Age, be a Person of good Repute within his Division, and shall not within *Three* Years have been convicted of any Offence involving Fraud or Dishonesty, or been judicially declared a Bankrupt or an Insolvent: Provided always, that no Person shall be eligible to be a Member of any Council at the same Time that he is Clerk, Engineer, Treasurer, or other Officer of such Council.

Female Occupiers may depute Rights.

IX. Any Female Owner or Occupier of Property within a District may depute to any Male Relative residing with her or engaged in the Management of her Property all the Rights, whether of voting or of Eligibility to Office or otherwise, which attach to Ownership or Occupancy under this Act or under the Poor Law Acts, such Deputation to be made in Writing, and lodged with the Clerk of the District previous to the Election; and such Deputation shall be revocable at pleasure, and may then be given in a similar Manner to any other Male Relative or Person engaged as aforesaid; but if any Person shall have been elected as a Warden in virtue of such Deputation, he shall not be disqualified from continuing to act as Warden for the Time for which he was elected, by reason of such Deputation having been revoked.

Justices required to make Declaration.

Wardens also.

X. In making up the List of Justices who may act upon the Council, no Justice shall be included who shall not have previously assented thereto by signing a Declaration to the Effect that he is willing to undertake the Duties of District Councillor, and that he will perform such Duties assiduously, and without Fear, Favour, or Affection, and no Warden shall take Part in the Proceedings of the Council who shall not have made and signed a similar Declaration.

Members of Council elected for Four Years, One Half going out of Office every Two Years. (See Cl. 92.)

XI. The Members of the Council so appointed shall be elected for *Four* Years, but so many of the elected Wardens as shall constitute *One Half* at least of the entire Number of elected Wardens shall go out of Office at the End of the Second Year after their Election: Provided always, that the Chairman and Deputy Chairman of the District, and also the Deputies to the County Council as herein-after, if they or either of them be elected Wardens, shall be exempt from such Liability to go out of Office.

Who are to go out of Office. (See Cl. 25.)

XII. The Determination of the Wardens who shall go out of Office shall be by Ballot, and Notice shall be given to the Ratepayers of the Division whose Wardens or any of them are to retire from the Council, and a Day shall be appointed by the Chairman of the District for

for receiving new Nominations; but if on the Day so appointed no other Person shall have been duly nominated by at least *Ten* Ratepayers of the Division to supply the Place of the outgoing Warden, he shall continue to act for the entire Period for which he was elected.

How Wardens are to be replaced.

XIII. In case of the Death or Resignation of any Warden, or in case that a Majority in Value of the Ratepayers of any Electoral Division, as ascertained by the Rate Books, shall be dissatisfied with the Conduct of their Warden or Wardens, and shall sign a Requisition to the Council requiring that a new Election shall be held, the Council shall direct that the said Warden be discharged from his Office, and that a new Election be held for a Warden in his Place; and the Person so elected shall, subject to the Ballot as herein-before provided, hold Office during such Time as the discharged Warden would have done had he not been so discharged.

Justices and Wardens how disqualified.

XIV. If a Justice whose Right to act as a Councillor arises from Residence ceases ro reside within a District, or if any non-resident Magistrate lose the Qualification in respect of which he acts, he shall thereby cease to be a Councillor; and if any Warden ceases to be an Owner or Occupier within the District, he shall thereby cease to be a Councillor; and if any Councillor be judicially declared a Bankrupt or Insolvent, or be convicted of any Offence involving Fraud or Dishonesty, he shall cease to be a Councillor.

Bankrupts disqualified.

Election of Warden.

First Election of Councillors under Direction of Poor Law Commissioners.

XV. The First Election of every District Council shall be made under the Direction and Supervision of and at such Time and Place as may be appointed by the Poor Law Commissioners; and they shall issue Orders to the Clerk of the Union forming such District, or of the Union which comprises the greater Number of the Electoral Divisions of the District, to act as Returning Officer at such Election, and to receive Nominations, to cause Voting Papers to be distributed and collected, and to declare those Persons elected Wardens who shall have received the greatest Number of Votes, in the same Manner, as nearly as may be, as if the Election were for Guardians of the Union; and all Questions which shall arise during the Election, or in respect of the Returns, as well of Wardens as of Magistrates, shall be decided finally by the said Commissioners.

Qualification of Voters.

XVI. The Qualification of Voters for Wardens under this Act shall be the same as that of Voters for Poor Law Guardians under the Poor Law Acts; and there shall be the Right of voting by Proxy, and of a Plurality of Votes according to rating, to the same Extent and in the same Manner as under the Poor Law Acts.

How Justices to be supplied, if not resident.

XVII. The Poor Law Commissioners shall at such First Election direct the Clerk of each Union to ascertain the Number of Justices resident within the District who may be willing to act as Members of the District Council; and if the Number of Magistrates resident within the District, and who shall assent to act, shall not equal the Number of elected Wardens, then the said Commissioners shall cause Notice thereof to be given to such other Magistrate as shall appear by the Rate Books to be rated or to be Owners of Land within the District, and shall inquire whether they be willing to act as Members of the Council, and of those who shall within the Time specified by the Commissioners have assented to act they shall direct the Clerk to select the Number required according to the Right of Priority hereinbefore set forth.

When District is composed of Portions of several Unions.

XVIII. Where any District shall consist of Electoral Divisions within different Unions, the Commissioners shall direct the Clerks of the several Unions to which such Electoral Divisions shall belong to furnish to the Returning Officer of the District a Copy of so much of the Rate Books of the Union as shall relate to such Electoral Division or Divisions, and a Statement of the Names and Residences of the Justices connected therewith, and of the Proxies in the Hands of such Clerks which would be available at the Time being for the Election of a Guardian of such Division.

Complaints against Returns to be decided by Poor Law Commissioners at First Elections.

XIX. The Poor Law Commissioners on such First Election shall hear all Complaints against the Return either of Wardens or of Justices, and may order new Elections, or that the Names of other Magistrates shall be substituted for those selected by the Clerk, and so soon as *Three Fourths* at least of the Elective Members of any Council shall appear to them to have been duly elected, they may declare such Council to be formed, and competent to act, and may direct the Clerk to summon the Wardens so declared to be duly elected, and the Magistrates returned as Members of such Council to meet for the Transaction of Business on a Day appointed, and the First Meeting shall be held in the Board Room of the Guardians of the Union, unless otherwise directed by the Commissioners, and the Clerk shall preside thereat until a Chairman for the Day shall have been elected, and subsequently shall act as Clerk of the Council until a Clerk of the District as herein-after provided shall have been elected.

(See Cl. 29.)

At future Elections Clerk of the District to act as Re-

XX. At all subsequent Elections the Clerk of the District Council shall act as Returning Officer for the Election of Wardens and Selection of Justices, and shall proceed therein in all respects as nearly as possible as Clerks of Unions are directed to proceed in respect

respect of the Election of Guardians: Provided always, that the Rate Books which shall determine all Rights of voting, and the Selection of the Justices, shall be the Rate Books of the District, and not those of the Union. turning Officer.

XXI. In order to ensure as nearly as may be an Uniformity of System in the Election of Wardens and of Guardians, the Poor Law Commissioners shall furnish to each District Council Copies of their existing Orders and Regulations in respect of Elections, and from Time to Time, if any new Orders or Regulations relating thereto shall be issued, shall also furnish Copies thereof to the Clerk of each District Council, for his Guidance in any subsequent Election. Poor Law Commissioners to furnish Councils with Copies of their Rules.

XXII. Every Complaint against the Return either of a Warden or of a Justice shall, after the First Election, be made to the President of the County, to be appointed as herein-after, who may authorize the Council to correct any Errors which shall be patent on an Inspection of the Voting Papers or of the Rate Books, and may declare the Person who ought to have been returned as Warden or Justice; and in case it shall appear to him that the Returning Officer, or those employed under him, has or have been guilty of Fraud, Partiality, or wilful Misconduct, or of culpable Negligence, or that the Return was obtained through Violence or Intimidation, he may direct that the Complaint shall be investigated by the Assistant Barrister within whose Jurisdiction the District may be situated, and in such Case the Assistant Barrister shall have Power to declare the Election void, or to declare the Warden or Magistrate elected who shall appear to him to have been duly elected; and in case it shall appear to the Assistant Barrister that any Person has been guilty of Fraud, Partialty, or of wilful Misconduct in respect to such Election or Return, or that any Person has caused or taken Part in causing an undue Return, through Fraud, Violence, or Intimidation, it shall be lawful for the Assistant Barrister to impose a Fine not exceeding *Fifty Pounds* on such Party, or to order him to be imprisoned for any Term not exceeding *Three* Calendar Months. After First Election Complaints to be decided by President of the County (see Cl. 125, et seq.), or by the Assistant Barrister.

XXIII. Every Complaint so directed by the President of the County to be investigated shall be brought before the Assistant Barrister in the Form of an Information, in which the Facts relied on shall be verified on Oath before a Magistrate, who shall take the usual Course to compel the Appearance of all Parties charged with any of the Offences aforesaid, and of all Persons whose Evidence may be requisite to substantiate the Charge before the Assistant Barrister at the next Sessions of the Peace for the District; and the Facts alleged in such Information shall be heard and determined on by the Assistant How Complaints are to be brought before the Assistant Barrister.

Barrister as any other Case of Criminal Proceeding, and he shall have Power to determine by whom the Costs of the Proceedings shall be paid.

The District Council.

District Council to be a Body Corporate.

XXIV. The Council of every District shall be a Body Corporate under the Title of "The Council of the District," and shall have perpetual Succession and a Common Seal, and may sue and be sued and may acquire and hold Lands as a Corporation, and shall have and be subject to all other Rights, Privileges, and Liabilities attaching to a Body Corporate.

Chairman, Deputy Chairman, and Executive Committee to be appointed.

XXV. The District Council so constituted shall, at its First Meeting or at some Adjournment thereof, elect a Chairman and a Deputy Chairman of the District, and shall also appoint an Executive Committee of the Council, consisting of not less than *Five* nor more than *Nine* Members, whose reasonable Expenses in respect of their Attendance on the Committee shall be paid out of the District Rates; and the Chairman and Deputy Chairman of the District shall be ex officio Members of the Committee, and the Clerk of the Council shall be the Clerk of the Executive Committee.

Chairman to have a Casting Vote.

XXVI. The Chairman, or in his Absence the Deputy Chairman, shall preside at all Meetings of the Council or of the Committee; but if neither be present, a Chairman for the Day shall be elected; and the Chairman at every Meeting shall have a Casting Vote when there shall be an Equality of Votes, in addition to his own Vote.

Declaration to be made by Councillors.

XXVII. Every Member of the Council shall, before he shall act as such, take and subscribe the Declaration following:

'I A.B. do solemnly declare, That I will act as a Member of the 'Council of the District without Fear, Favour, or Affection, 'and that it is my Intention, unless prevented by sufficient Cause, 'to attend the Meetings thereof punctually.'

Chairman or Deputy Chairman, how to be removed.

XXVIII. The Chairman and Deputy Chairman shall be elected for the *Four* Years for which the Members of the Council were originally elected, and shall continue in Office for such Period, unless he or they shall resign, or be disabled from Attendance by Illness or other Cause, or be removed from Office by the Decision of *Three Fourths* at least of a Council specially convened by the Clerk for the Purpose on the Requisition of Ten Members of the Council; and in such Case another Chairman or Deputy Chairman shall be elected, who shall continue in Office for the Remainder of such Time as the Chairman

Chairman and Deputy Chairman so incapacitated or removed would but for such Incapacity or Removal have continued in Office.

Council to appoint Officers.

XXIX. The Council shall, as soon as may be, appoint a Clerk of the District, an Engineer or Surveyor of Works, and a Treasurer, and then or subsequently such other Officers or Servants as may appear to the Members of the Council requisite for the due Performance of their Duties, and the proper Management of the fiscal Affairs of the District, and shall also determine the Salaries which shall be paid to each: Provided always, that no Person shall be appointed as Engineer or Surveyor of Works of a District under this Act unless he shall previously have been examined by a Board of Engineers to be appointed for the Purpose by the Lord Lieutenant, and have received from them a Certificate of Competence to act as an Engineer; nor shall any Person so appointed be liable to be removed from his Office, except by the Decision of a Majority of *Three Fourths* of the entire Council, and that such Decision shall have been approved of by the Lord Lieutenant.

Officers to give Security.

Chairman responsible for Securities.

(See Cl. 141.)

XXX. The Treasurer, the Clerk of the District, the Engineer or Surveyor of Works, and the Collectors of Rates shall each give such Security for the due Performance of their respective Duties as may be determined on by the Council, and the Chairman of the District shall be responsible for the due Completion of these Securities, and for their Delivery to the President of the County, to be by him kept as herein-after provided.

Where the District Office is to be held.

XXXI. The District Council shall determine where their Meetings and those of the Committee shall be held, and where their Clerk and Engineer shall have their Offices; and if there shall be no County Building within the District which with the Consent of the County Council, but not otherwise, can be conveniently used for the Purpose, the said District Council may in such Case hire a convenient Building, and so long as such Building shall be so used it shall be called "The Council Office of the District;" but if after this Act shall have been in operation for *Two* Years the District Council shall consider it expedient to build a new District Council Office, they may either take on Lease or purchase Land for the Purpose, and may for such Purpose, and with the Consent of the President of the County, have recourse to the Provisions of the "Lands Clauses Consolidation Act, 1845," to enable them to purchase the Land required, and may erect a suitable Building thereon, which thenceforward shall be the Council Office of the District, and they may, with the Consent of the President aforesaid, borrow Money on such Terms as he shall approve of for the Purchase of the Land or for the

Erection of the Building, and they may levy Rates as herein-after for the Repayment by Instalments or otherwise of the Principal Sum or Sums so borrowed, and of the accruing Interest thereon.

Council to meet Four Times in the Year.

XXXII. There shall be Four General Meetings of each District Council during the Year, and the Days on which such Meetings shall be held shall, after the First Meeting, be appointed yearly by the Council of the County of which such District shall form Part, but the Chairman of a District, or in his Absence the Deputy Chairman, on the Requisition of the Engineer or of a Majority of the Executive Committee, in any Case of Emergency, may convene a Special Meeting of the Council, which Special Meeting, so far as the Object for which it is convened is concerned, shall have the same Powers as the Council would have at an Ordinary Meeting; and the Cause for such Special Meeting being convened shall be stated in the Summons which the Clerk shall issue to each of the Members of the Council, and such Summons shall be issued Ten Days at least before the Day appointed for such Special Meeting, and the Council shall have Power to adjourn any Meeting, either to a Day named or to a Day to be named by the Chairman.

Special Meetings of Council.

Power of Adjournment.

Meetings of Council to be in public.

XXXIII. The Meetings of the Council and of the Executive Committee shall be held in public, but they may deliberate on any Question and decide thereon in private; and the Council and Committee shall have all the Powers of maintaining Order at their Meetings, and of administering Oaths which a Court of Petty Sessions now has or may have hereafter; and any Order, Warrant, or Committal, signed by the Chairman of the Day, by Direction of the Council or of the Committee, in respect of the Maintenance of Order, shall be obeyed by the Constabulary and all others as if such Order, Warrant, or Committal had been issued by the Chairman of a Bench of Magistrates in Petty Sessions assembled; and if any Person shall wilfully swear falsely before the Council or the Committee, he shall be liable to such Punishment as by the Laws for the Time being in force relating to Perjury can or may be awarded against Persons guilty of wilful and corrupt Perjury.

Power to administer Oaths.

Minutes of Proceedings to be kept.

XXXIV. The Clerk of the District shall keep Minutes in Writing of all the Proceedings of the Council and of the Executive Committee, and such Minutes, when signed by the Chairman of the Day, shall be Evidence in all Courts of Justice of the Decision of the Council and of the Committee; and any Ratepayer of the District may, on procuring an Order to that Effect from a Warden or Justice, inspect such Minutes, and take any Extract therefrom; and also any Ratepayer may, on Payment of the Sum of *One Shilling*, require a Copy of the Minutes of the Proceedings of any specified Day, or of any Portion

Portion thereof; and the Clerk shall furnish such Copy to him, and shall certify in Writing the Correctness thereof; and such Copy so certified by the Clerk, shall be Evidence in all Courts of Justice of the Proceedings of the Council or of the Committee, or of such Portion thereof as it relates to.

Power of Council to make Regulations.

XXXV. The Council shall have Power to frame Regulations for the Conduct of its Proceedings, which when once adopted shall not be altered, except by the Decision of a Meeting specially called for the Reconsideration of such Regulations: Provided always, that until other Regulations shall have been decided on the Council shall follow, as nearly as may be, the Orders and Regulations issued by the Poor Law Commissioners for the Guidance of Boards of Guardians.

Members of Councils not to be engaged in Contracts.

XXXVI. No Member of the Council shall be directly or indirectly engaged in any Contract with the Council, under a Penalty of *One hundred Pounds*, to be enforced by Action in any of Her Majesty's Superior Courts of Law at Dublin: Provided always, that a Member of the Council may be Surety for the due Performance of any Work, or for the Performance of his Duties by any Officer herein required to give Security; but in no Case shall any Member of the Council, becoming such Surety as aforesaid, vote or take Part in or be present at any Proceeding or Discussion of the Council in relation to the Work or the Performance of the Duties in respect of which he has become such Surety.

Quorum of Council.

XXXVII. If either the Chairman or the Deputy Chairman of the District be present *Five* Members of the Council shall form a Quorum, but in the Absence of both the Chairman and Deputy Chairman *Seven* Members of the Council shall be required; and if within *One* Hour of the Time appointed for any Meeting a Quorum of the Council or of the Committee shall not have assembled, the Clerk shall adjourn the Meeting for *One* Week, and shall give public Notice thereof, and also a special Notice to every Member of the Council or of the Committee.

Adjournment of Council.

The Duties of the Clerk of the District Council.

Duties of Clerk of the District.

XXXVIII. The Duties of the Clerk shall be—

To record all the Proceedings of the Council and of the Executive Committee:

To preserve and produce, when required either by the Council or the Executive Committee, all Documents of any Kind which have been laid before or are intended to be laid before the Committee:

To countersign and seal with the Seal of the Council all Orders of the Board or the Committee:

To send a Copy of all Decisions of the Council and of the Executive Committee to the President of the County:

To take immediate Steps to carry into effect any Orders of the Council or of the Committee:

To lay before the Council or the Committee all Applications which shall be lodged in his Office for the Purpose of being laid before the Council or the Committee, and all Documents connected therewith:

To number and classify all Applications intended to be laid before the Council, and to have them printed and published within the Time and in the Manner required herein-after:

To prepare the Rate Books and all Documents requisite for the Collection of Rates:

To keep the Accounts of the District; to draw out and lay before the Council quarterly a Statement of the Financial State of the District; and to ascertain weekly the State of the Collection, and of the Treasurer's Accounts, and, if it be requisite, to call the Attention of the Chairman or Deputy Chairman thereto:

To execute all Orders of any superior Authority under this Act.

The Duties of the District Engineer.

Duties of Engineer of the District.

XXXIX. The Duties of the Engineer shall be—

To report to the Council at their Quarterly Meetings on the State of all the Main Roads, and the Bridges and Works connected therewith, and of the several Jetties, Piers, or Landing Places within the District, which it is the Duty of the Council as hereinafter to keep in repair, and of such other Roads as may have been placed under Contract or which may have been repaired by Order of the Council, and to make such Applications to the Council in respect thereof as he may consider requisite for their Maintenance in sufficient Repair:

To report quarterly, or forthwith in case of sudden Damage or Emergency, to the Chairman of the County, on the State of all County Roads and Bridges, and Works connected therewith, and of all County Buildings within the District:

To receive and investigate all Complaints which shall be made to him in respect of the State of Repair of any Road, Bridge, or any public Work, by any Warden or Magistrate, and to report thereon to the Council:

To prevent Encroachments on public Roads:

To examine all Applications intended to be submitted to the Council, and to have such Surveys or Examination made as shall enable him to advise the Council thereon:

To prepare such Plans, Specifications, and Estimates as may be ordered by the Council, and to verify, by Survey or otherwise, all

all Plans and Specifications laid before the Council, and to examine and report on the Estimates:

To prepare and lay before the Council quarterly a Statement of the Length of Roads under Contract, and of the State of the several Works in progress:

To obey the Orders of the District Council and of the Executive Committee, so far as they shall not be repugnant to any Orders he may have received from any superior Authority under this Act.

Imperative Duties of the District Council.

XL. The Duties which shall be imperative on the Council of the District shall be— Imperative Duties of Council.

To keep in sufficient Order and Repair all Roads within the District, and the Bridges and other Works connected therewith, where such Roads are main Lines of Communication between Market Town and Market Town, whether such Towns be within the District or not, or between a Market Town and a Pier or Landing Place on any Harbour, Canal, or navigable River, except as herein-after, in respect of Bridges and Causeways the probable Cost of rebuilding or repairing which shall be estimated to exceed *Two hundred Pounds:* (See Cl. 103.)

On the Application of the Wardens of an Electoral Division, to repair and maintain all other Roads within their Division which have been heretofore made or repaired by Presentment:

To maintain in repair all such Jetties, Piers, or Landing Places within the District as have been made or repaired by Presentment or by any public Board, and the Cost of repairing or maintaining which has been heretofore borne by any Barony:

To make Provision, by the Levy of sufficient Rates, to be made as herein-after directed, for the Payment of the Salaries of all Officers of the District, and of all Expenditure ordered or sanctioned by the Council or the Executive Committee, and of the Proportion of the County Expenditure which under the Warrant of the Chairman of the County shall be required from the District:

To obey and carry into effect all such Orders as any superior Authority is, under the Provisions of this Act, authorized to issue:

To make Compensation for any malicious Injury to Property within the District, in respect of which Compensation would have been heretofore chargeable against any Barony or any Portion of a Barony, when the Amount of such Compensation shall have been ascertained as herein-after provided:

To make Provision by Rates for the Repayment of Loans and the Interest thereof, for the Expenses of Valuation and Registration within the District, and for the Payment of all Charges which the Lord Lieutenant shall lawfully impose on the District or any Portion thereof.

Discretionary Powers of the District Council.

Discretionary Powers of the Council in respect of new Roads and other Works.

XLI. The discretionary Powers of the District Council shall be—

To make new Roads and Bridges and all the Works connected therewith, and to alter and improve existing Roads and Bridges, to stop up old Roads, and to do all such Matters and Things connected with the Roads and Bridges or other Works of the District as shall appear to the Council to be for the Convenience or Safety of the Public, or the Advantage of the District:

To alter and improve the Course of Rivers so as to diminish the Probability of Danger or Inconvenience to the Public, or of Injury to the Roads or Bridges of the District from Floods:

To make and maintain Piers, Jetties, or Landing Places on any Harbour, Canal, or navigable River, and Trackways by the Side thereof:

To order Surveys and Maps of the District:

To determine the Allowance which shall be paid to the Members of the Executive Committee for their Attendance in Committee, and also the Conditions under which such Payment may be claimed:

To sanction Works to be executed at the sole Expense of One or more Electoral Divisions:

To sanction Works of private Enterprise, which are calculated to promote the general Interests of the District.

Discretionary Powers of District Council subject to the Assent of the County Council.

Subject to Assent of County Council,—To execute Works not heretofore presentable by Grand Juries.

XLII. Subject to the Assent of the County Council, as hereinafter provided, the Council of the District shall have Power:

To execute any Work or do any Act not heretofore made or done on a Presentment by a Grand Jury, which it shall deem to be for the Convenience or the Advantage of the District or for the Safety of the Public, or for the Promotion of Education, or for the Public Health, or for the Maintenance of Law and Order within the District, and to levy Rates for carrying into effect all such Objects:

To raise Money on Mortgage of the Rates.

To raise Money by Mortgage of the Rates of the District for the Execution of any Work, or for the carrying into effect any of the Provisions of this Act; provided that at no Time shall the Principal Sum due by the District exceed *One Twelfth* of the Valuation thereof, and also provided that there be Provision made in every Mortgage for the Repayment of the Principal Sum borrowed, together with Interest, by Instalments not extending over a Period of more than *Ten* Years:

To

To approve of the Construction by private Undertakers of Works of public Utility, and to sanction the Tolls or Rates of Payment which may be charged by the Undertakers for the Use thereof, and with the like Assent from Time to Time to alter such Tolls or Rates of Payment, or to undertake the Execution of any Portion of such Works, or to guarantee such an Amount of Interest on the Expenditure as may be agreed on: To approve of certain private Undertakings in respect of which Tolls may be charged.

To approve of any private Undertaking for the Embankment of Waste of Sea or River, the straightening or deepening of Rivers either for Purposes of Navigation or the Prevention of Injury to Property from Floods, or similar Works of private Enterprise which shall seem to be for the Advantage of the Public or for the Improvement of the District, and may authorize the Undertakers of such Works to have recourse to the Provisions of the Lands Clauses Consolidation Act, 1845, to enable them more effectually to carry out such Works: To approve of certain other private Undertakings.

To approve of Undertakings to supply Towns with Gas, under "The Gasworks Clauses Act, 1847;" or Water, under "The Waterworks Clauses Act, 1847;" or for the Improvement or Formation of Harbours, Piers, or Docks, under "The Harbours, Docks, and Piers Clauses Act, 1847;" or for the Establishment of Fairs and Markets, under "The Markets and Fairs Clauses Act, 1847," subject, however, to the Payment of Compensation to the Owner of any Fair or Market whose Rights may be affected thereby, the Amount of such Compensation being ascertained according to the Provisions of "The Lands Clauses Consolidation Act, 1845;" and also for the Formation of Cemeteries, under "The Cemeteries Clauses Act, 1847." To sanction the Adoption of certain Acts of 1845 and 1847.

The Mode of proceeding by the Council of a District.

XLIII. Every Application which is intended to be submitted to the District Council shall be made as near as may be according to One of the Forms given in the Schedule (A.) to this Act annexed, and shall, with any Plans or Specifications which are connected with it, be lodged in the Office of the Clerk *Thirty* Days at least before the quarterly Day of Meeting of the Council. Mode of Proceeding.

XLIV. The Clerk shall classify and number all such Applications, and shall separate the Applications then first made from those which are to be finally decided on as herein-after directed, and shall, *Twenty* Days at least before the Day of Meeting, send a List thereof to every Member of the Council, and *Two* Copies of such List to every Postmaster within the District, to be by them kept for public Inspection, and One or more Copies shall be sent to such Person or Place within every Electoral Division as the Council shall direct; and any Person Applications to be classified and published.

may require a Copy of such List, on Payment of the Sum of ; and all Applications and Plans and Specifications so lodged may be examined by any Ratepayer during *Ten* Days previous to the Meeting of the Council.

To be examined by the Engineer of District.

XLV. The Engineer of the District shall examine the several Applications so lodged, and the Plans and Specifications connected with them, and shall, by personal Inspection or otherwise, prepare himself so as to be able to advise the Council or the Executive Committee thereon whenever he shall be required by them so to do.

Council may approve of Application when Plans are lodged, and subsequently grant.

XLVI. If the Application shall be accompanied by Plans and Specifications, the Council may approve of it generally, or with such Modifications or Alterations as they may determine on, or may disapprove of it, and if approved of they shall refer it to the Executive Committee, with Directions to obtain a provisional Contract for the Execution of the Work; and so soon as the Executive Committee shall be satisfied by the Report of the Engineer with respect to the Correctness of the Plans and Specifications lodged they shall proceed to obtain Tenders for the Execution of the Work, and so soon as a sufficient Contract shall have been provisionally completed for the Execution of the Work they shall direct the Clerk to give Notice, as herein-before provided, that the Application, along with such provisional Contract, will be brought before the Council at its next Meeting, for its final Decision; and the Council shall grant or reject the Application, and shall approve or disapprove finally of such Contract as they shall think fit, subject, however, to the Right of Appeal hereinafter given.

(See Cl. 69.)

(See Cl. 78. et seq.)

When Plans are not lodged.

XLVII. If the Application be not accompanied by Plans and Specifications, the Council may assent to it generally or conditionally, and may refer it to the Executive Committee to have Plans, Specifications, and Estimates prepared in respect of it by the Engineer of the District; and the Executive Committee shall bring the Application for the Work before the Council, in their own Name, in the same Form and Manner as other Applications may be made; and at the ensuing Council such Application may be approved of or be rejected, and if approved of it shall be referred back to the Executive Committee to obtain provisional Contracts for the Work as herein-before provided; and after such have been obtained, the Application, along with such provisional Contracts, shall be brought before the following Council for finalAdoption or Rejection, in the same Manner as herein-before provided, and subject to the same Right of Appeal.

XLVIII. If

Works of Urgency.

XLVIII. If any Work be applied for by the Chairman of the District and the Executive Committee as a Work of Urgency, and that the probable Cost of such Work shall be estimated by the Engineer of the District to be less than *One hundred Pounds*, and that the Council shall determine by a Majority of *Three Fourths* of the Members present that it is a Work immediately required for the Public Safety, the Council may direct the Executive Committee to obtain Tenders and complete Contracts for the Execution of the Work, and to have it executed forthwith; provided always, that Notice shall have been given in the Lists of Applications that the Work is applied for as One of Urgency; and in all such Cases an Appeal may be brought against the Work, as in other Cases, unless the President of the County shall be satisfied by the Report of the County Engineer thereon that Public Safety would be endangered by delaying till the Appeal should be heard by the Council of the County, in which Case he may direct the Engineer of the District to proceed with the Work, notwithstanding such Appeal, and such Appeal shall be null and void, so far as the Order of the President shall be to the contrary thereof.

Where Two Districts are affected in the same County.

XLIX. If the proposed Work shall affect Two Districts in the same County, the Application for the Portions of it in each District shall be brought before the Council of each District, and shall be disposed of in the same Manner as an Application for a Work within a single District; and if either Council shall in the first instance disapprove when the other approves, or in the last Stage of the Application shall reject when the other grants it, the Application shall be brought before the County Council, and the Decision of the County Council thereon shall be received and acted on by the District Councils and their Officers and Executive Committee as if such Decision had been the Decision of the several District Councils before which the Application was brought.

If in different Counties.

L. If the Application shall affect Districts in different Counties, and if their respective District Councils shall not agree, the Council or the Executive Committee of the District which shall approve of the Application may appeal to the Council of the County in which the dissentient Council is situated, and the Decision of such County Council thereon shall be imperative and binding on the District Council; and if such County Council shall have so decided the District Council shall be held to have approved of or granted the Application, as the Case may be.

Roads on Border of Districts or Counties.

LI. If a Road or Bridge shall be on the Boundary between Two Districts, the Council of either District may, by Agreement with the

the Council of the other District, have Charge thereof, and recover from it a proportional Part of the Costs of keeping it in repair, or, in the Case of a Bridge, of rebuilding it, if necessary; and the President of the County shall have Power to determine any Question which may arise thereon, or, if need be, may refer the Question to Arbitration, and may require the Council of either District to act according to the Decision of the Arbitrator; and if the Road or Bridge shall be on the Boundary between Two Counties, the Presidents of the respective Counties shall determine by what District or Districts such Road or Bridge shall be kept in repair, and the Proportion in which each District shall contribute towards the Cost thereof.

Repair of Roads; Contracts, &c.

LII. If the Application be for the Repair of any Road or public Work heretofore made or repaired, or erected at the Expense of the District, or for the Maintenance of any Road in repair by Contract for any Number of Years (which shall not exceed *Five* Years), the Council may grant the Application, without previous Approval, on such Conditions as it may annex thereto, and shall refer it to the Executive Committee, with Power to complete a Contract for the Execution of the Work on the Conditions annexed, either with the Applicant or with any other Contractor.

Advances on account of Works in progress.

LIII. If the Application be for the Payment of Money alleged to be due in respect of any Contract, or for any Advance on account of a Work in progress, or for the Payment of any Work done, the Council may deal with the Application as seems right, and grant or reject it, or may refer the Matter to the Consideration of the Executive Committee, to be by them finally decided on: Provided always, that the Applicant shall have a Right of Appeal against such Decision, in the same Manner as is herein-after provided in Cases of Claim for Compensation.

(See Cl. 76.)

Fixed Charge on District, and general Expenditure of Council.

LIV. If the Application be for the Payment of any Charge upon the District, assessed on it by the Commissioner of Valuation, or by the Lord Lieutenant in pursuance of any Powers vested in him by this Act, or on account of the Repayment of any Loan, with the Interest thereon, or for Registration Expenses, or for the Payment of any Debt, Damages, or Costs imposed by any competent Tribunal, or for any Expenditure sanctioned by the Council or the Executive Committee, the Council may grant such Application forthwith.

Works to be executed at the Cost of an Electoral Division.

LV. The Council of the District may sanction the Execution of any Work of public Utility within an Electoral Division, at the sole Expense thereof, which shall be applied for by so many of the Ratepayers

Ratepayers of the Division as shall together have paid or been liable to pay *One Half* at least of the last Rate applotted on the Division, and who shall have signed an Assent that the Cost thereof shall be borne by the Electoral Division alone; and such Work shall be executed and paid for as other public Works within the District, but the Cost thereof shall be added to the Rates of such Division.

Private Undertakings for the Improvement of Land, how to be applied for.

LVI. If the Owner or Owners or the principal Occupiers of Lands within a District shall desire to undertake the Irrigation or Warpage of his or their Lands (the Quantity of Land so to be irrigated or warped not being less than *Fifty* Acres), or if he or they shall desire to drain any Portion of his or their Lands (not being less than *One hundred* Acres), or if he or they shall desire to reclaim or bring under Cultivation any Quantity of Waste Land (not being less than *Two hundred* Acres) he or they may apply to the District Council or Councils within which such Land is situate for its or their Sanction, in the Form and Manner in which other Applications are herein-before required to be brought before a Council, such Applications to be accompanied by Maps and Plans shewing the Lands which it is proposed to improve, and also the Lands on which it is proposed to execute any Work connected with the Undertaking, and by a separate Plan of such Works, and also accompanied by a Statement of the Rights of Common, Turbary, Pasture, or of Lime, Stone, or Water, or any other Right whatsoever, if any there be, for which it is proposed by the Undertaking to make Compensation or Commutation in the Manner herein-after provided; and the Council may approve of any such Undertaking, either conditionally or otherwise, or may reject it, or may refer the Application to the Executive Committee, with such Powers as they may depute to them; and if approved of by the Council, the Application, and the several Documents connected therewith, shall be forwarded to the President of the County, to be dealt with in the Manner herein-after provided.

The Council may refer Application to the Executive Committee. (See Cl. 144. et seq.)

Byelaws and Regulations.

LVII. All Byelaws or Regulations which the Undertakers may require for the Construction, Maintenance, or Management of the Works, or the due Distribution of Water, or for any other Purpose connected with the Undertaking, shall be laid before the Council for its Sanction, in the same Form and Manner as other Applications to the Council are by this Act required to be made.

Straightening Rivers, and Ex-

LVIII. If the Owners of Lands desire to straighten a River which forms the Boundary of their Lands, the Council of the District shall have

change of Land.

have Power to authorize the Work, and to sanction any Exchange of Lands which may be necessary in consequence thereof; and all Questions of Compensation shall be arranged by the President of the County as in Cases of Compensation for Lands taken for any Work under the Lands Clauses Consolidation Act, 1845, or under this Act.

Water Power for industrial Purposes.

LIX. If any Person propose to establish or be possessed of a Mill or a Factory within a District, and desire, for the Purposes of such Mill or Factory, to make a Dam across any River or Stream, or to have the Use of the Water thereof, or to carry the Watercourse or the Outlet for the Water through Lands which are not in his Possession, Application shall be made in respect thereof to the Council of the District or Districts in which such River, Stream, or Lands may be situated; and if the Council shall be of opinion that the Undertaking or Privilege applied for will be to the Advantage of the District, it shall have the Power to sanction it, subject to such Conditions as it may assign, or refer it to the Executive Committee, to be dealt with in the Manner herein-before provided, and if finally approved of, the President of the County shall deal with all Rights, either in regard of the Land or the Water, which are affected by the Undertaking, as in Cases of Lands taken under the Lands Clauses Consolidation Act, 1845.

Where Two or more Districts are affected.

LX. If any of the several Undertakings contemplated by the previous Clauses shall require the Approval of the Councils of Two or more Districts, and if the Council of the District in which the main Object to be effected or the larger Portion of the Lands to be improved shall be situated shall approve of it, and the other Council shall disapprove, the Question shall be decided by the Council of the County in which the dissentient District may be situated.

Executive Council to examine Application, and may sanction it.

LXI. In all Cases of Works of private Enterprise, if the Application shall have been referred to the Executive Committee, the Chairman of the District shall convene a Meeting of the Committee at a Day and Hour to be by him appointed, not being less than *Twenty* Days nor more than *Thirty* Days after the Meeting of the Council, and at the Expense of the Applicant or Applicants, shall give such public Notice of such Meeting as he may think proper, and also special Notice to all Parties who may be affected by such Application; and all Parties who may be so affected shall be heard either in favour of or against the Application; and so much of their Examinations or Depositions as the Committee shall consider requisite shall be taken down

down in Writing; and the Committee shall make such Decision, either by simply approving of or rejecting, or by attaching such Conditions to the Application as they shall consider the Justice of the Case to require; and if the Decision of the Committee shall be either conditionally or otherwise favourable to the Application, they shall forward the Application, together with all Plans and other Documents connected therewith, and also the Examinations or Depositions which have been taken before them, and a Copy of their Decision thereon, to the President of the County, to be dealt with as herein-after provided.

List of Applications approved of by the Council to be published.

LXII. The Clerk of the District Council shall, within *Fifteen* Days after each Meeting of the Council, publish and circulate, in the Manner herein-before provided with regard to Applications which have been made, a List of all Applications which have been approved of or been granted by the Council, together with a List of Applications granted against which Appeal shall have been lodged, and shall within *Three* Days after every Meeting of the Council forward to the President of the County a Copy of the Minutes of the Proceedings of such Meeting, and also, within the same Time after any Meeting of the Executive Committee, a Copy of the Minutes of the Proceedings of such Meeting, in all Cases where the Power of final Decision shall have been deputed to it by the Council.

Proceedings where Assent of County Council requisite.

LXIII. When the ultimate Decision on any Application (except on Appeal) rests with the Council of the County, so soon as such Application shall have received the Approval of the District Council, it shall be dealt with as is herein-after directed in Clauses from One hundred and thirteen to One hundred and fifteen inclusive.

The Executive Committees of Districts.

Executive Committee, when to meet.

LXIV. The Executive Committee of the Council shall meet on some Day *Seven* Days at least previous to the Meeting of the Council, and on some other Day not less than *Fourteen* Days nor more than *Twenty* Days after the Meeting of the Council, and on such other Days as they shall appoint, or on which they shall be summoned to meet by the Chairman or Deputy Chairman of the District, and *Three* Members of the Committee shall in all Cases form a Quorum.

Executive Committee may act in Name of the Council.

LXV. Any Act done or Decision made by the Executive Committee, provided that it shall appear by the Minutes of the Council that it was specially deputed to the Committee by the Council to do such Act, or to decide finally on the Question so referred to them, shall be as valid and effective as if done or decided by the Council.

Minutes of Proceedings to be kept.

LXVI. Minutes of the Proceedings of the Executive Committee shall be kept by the Clerk, and the Minutes or any certified Copy thereof, as herein-before provided in respect of the Minutes of the Council, shall be Evidence of the Proceedings of the Committee, so far as such Minutes purport to detail them.

How Orders for Payments to be made.

LXVII. All Payments ordered by the Council shall be made by the Committee, by an Order on the Treasurer, signed by the Chairman or Deputy Chairman of the District and *Two* other Members of the Committee, and shall be countersigned by the Clerk; but in case of the Absence of the Chairman and Deputy Chairman of the District, an Order for Payment, signed by the Chairman of the Day and *Three* other Members of the Committee, if countersigned by the Clerk, shall be sufficient.

Committee may recommend Advances.

Sudden Damages to Roads or Bridges.

LXVIII. At the Recommendation of the Engineer of the District the Committee may order Advances to be made on account of Works in progress, such Advance not exceeding in the whole *Two Thirds* of the Value of the Work done; and in case of any sudden Damage to a Road or Bridge by which it shall be rendered dangerous or impassable, the Committee may order such Repairs as shall render it safe for or available to the Public; and if the probable Cost of such Repair shall not exceed *Twenty Pounds*, any Two Members of the Committee may, at the Recommendation of the Engineer, order the necessary Repairs to be done.

Obtaining Contracts for the Execution of Works.

LXIX. The Executive Committee shall take Measures to obtain Tenders for all Works which have been approved of by the Council, and when satisfied with the Solvency of the Security offered, and with the Terms of the Tender, may complete a Contract for the Execution of the Work, provisionally, subject to the final Approbation of the Council, in the manner herein-before provided.

Death or Inability of the Council.

Misconduct of Officers.

LXX. The Committee, in case of the Death or Inability to act of any Officer of the Council, may appoint a Person to do the Duties of such Officer provisionally, and such Person shall have all the Powers and Rights and be subject to all the Responsibility attaching to the Office; and in case of Misconduct on the Part of any Officer they may suspend him, and appoint another Person to act for him until the Council shall have met and have decided on the Case.

Death or Insolvency of Sureties.

LXXI. In case of the Death or Insolvency or reputed Insolvency of any Person who has given Security to the Council for the due Performance of any Duty or the Execution of any Work, they may require

require new Security, and may suspend any Officer on whose Behalf such original Security was given until a new Security be given, and may appoint another Person as aforesaid provisionally, or they may suspend the Progress of the Work until it shall have been dealt with by the Council as it shall seem just.

To superintend the Collection of Rates.

LXXII. The Executive Committee shall superintend the Collection of the Rates, and shall have Power to compel the Collectors to produce their Books for the Inspection of the Committee, and to account for all the Rates collected, and in case of Neglect or Misconduct shall also have Power to resume the Rate Books, and to appoint other Persons to collect the Rates; and any Collector disobeying the Orders of the Committee may be fined by them in any Amount not exceeding to be recovered by Process in the Court of the Assistant Barrister in the Name of the Council; and if any Collector shall refuse or neglect to deliver to the Committee the Rate Books and all other Documents required for the Collection of Rates, such Books or Documents may be searched for and taken possession of by Warrant signed by Two Justices; and if such Books or Documents cannot be found, and it shall appear that they are wilfully withheld from the Committee by such Collector, the Body of the Collector may, on Warrant signed by Two Justices, be taken and kept in Prison until the Books be given up, or until the Council shall have determined respecting the Matter.

To superintend the Progress of Works.

LXXIII. If the Engineer of the District shall report to the Executive Committee that the Contractor for any Work or for the Maintenance of any Road is using improper Materials, or is executing the Work badly, or is not using due Diligence in the Execution of the Work, the Executive Committee shall have Power to inquire into the Matter, and may suspend the Work until the Meeting of the Council, or in case of a Contract for the repairing of any Road they may, with the Consent of the Chairman of the District, or, in his Absence, of the Deputy Chairman, authorize the Engineer to do such Work at the Expense of the Contractor as the Contractor ought to have done; and if the Amount so expended shall exceed the Amount of the Contract, the Contractor or his Sureties may be sued for the full Amount so expended in Excess of his Contracts; or, if the Council shall so determine, such Excess of Expenditure shall be charged to the general Expenditure of the District; and if the Council, on any Complaint so made, shall determine that the Contractor in any Work has not duly observed the Terms and Conditions of his Contract, they shall be at liberty to determine and put an end to such Contract, and to order a new Contract to be entered into with another Contractor for the Completion of the Work, and may make such Order in respect of Payment of the Value of the Work done as the Justice of the

Case may require; and if the Contractor shall feel aggrieved by such Determination of the Council or of the Executive Committee, he may appeal against it in the Manner herein-after provided for Cases of Compensation.

To advertise for Contracts.

LXXIV. If any Application for any Work shall have been approved of by the Council, and shall have been referred to the Executive Committee, the Executive Committee, or if they neglect to do so the Clerk shall within *Twenty* Days after the Meeting of the Council publish in One or more Newspapers circulating within the District, and in such other Manner as the Committee shall direct, a List of Works for which Contracts are required, with the Time during which Tenders for Contracts may be lodged, such List to be numbered and classified as in the previous List brought before the Council; and the Maps and Plans and Specifications for all Works for which Contracts are required shall be open to Inspection by the Public at the District Office daily between the Hours of Ten and Four for a Period of not less than *Fifteen* Days after such Publication, and during such Period Extracts or Tracings may be taken therefrom.

With whom Contracts are to be made.

LXXV. All Tenders for Contracts shall be sent, sealed, to the District Office, and a Number shall be endorsed thereon corresponding with the Number of the Work; and every Tender shall contain the Assent in Writing of One or more sufficiently solvent Persons willing to become Surety for the proper Execution of the Work by the Party tendering; and the Tenders shall be opened by the Clerk in the Presence of the Executive Committee; and if they shall be satisfied with the Competence of the Contractor and the Sufficiency of the Security for an Amount not less than *double* that of the Amount of the Contract, they shall select the Person who shall have offered to do the Contract for the lowest Amount, and shall order the Contract to be completed accordingly, subject, however, to the ultimate Decision of the Council upon the Application; and if within Ten Days the Contract shall not have been completed by the Signature of all the Parties before the Clerk (or, in case of Illness or Inability to attend at the Office of the Clerk, before some Member of the Executive Committee), or in case that any of the Persons who have assented to become Surety shall withdraw before the Completion of the Contract, the Executive Committee shall have Power either to accept other Sureties or to complete a provisional Contract with another Party; or if no sufficient Contractor shall be found, they may require the District Engineer to prepare an Estimate for the Execution of the Work, and may propose to the Council to place the Execution of the Work in his Hands; or the Executive Committee may order a supplemental List to be published of Works for which no Contractor has appeared, and appoint a further Day for the Reception of

of Tenders for Contracts, and shall deal with them as herein-before provided.

LXXVI. In case of Damages or Compensation being claimed by any Party in respect of any Public Work granted by the Council, or in respect of any Decision of the Executive Committee, the Applicant shall, within *Ten* Days after the final granting of the Application, or after such Decision of the Executive Committee, lodge his Claim with the Clerk; and if the Executive Committee and the Party claiming can agree thereon, the Amount of Compensation to be paid shall be brought before the next Council by the Executive Committe, in the Form of an Application; and if the Council shall agree to it, the Application may be at once granted; but if the Parties cannot agree, or if after they have agreed the Council shall disapprove of such Agreement, the Case may be dealt with by the Courts of Law having Jurisdiction over the Matter as in ordinary Cases of Claims for Debt or Damages or Compensation.

Damages and Compensation, how to be claimed.

LXXVII. In any Case of Claim for Compensation for malicious Injury done to Property, where the Party aggrieved would before the coming into operation of this Act have been entitled to Compensation from the County or any Part thereof, the Applicant shall, within *Ten* Days after the Damage has been done, lodge a full Statement of his Claim with the Clerk of the Council of the District within which the Property to which such Injury has been done is situated, and the Executive Committee shall deal with such Claim as with other Cases of Claim for Compensation or Damages; and the Council may at its next Meeting grant or reject the Claim, or reduce the Amount thereof, and may charge the Compensation to be paid against the whole District, or against One or more Electoral Divisions of the District; and against such Decision of the Council the Applicant shall have the same Right of Appeal as in other Cases of Claim for Compensation: Provided always, that if the Damage shall have been done at a Time so near the next Meeting of the Council that the Executive Committee shall have been unable to consider the Claim in Time to report thereon to such Meeting, the Council may depute to the Executive Committee the final granting or Rejection of the Claim, or may postpone its Consideration until their next subsequent Meeting.

Compensation for malicious Injuries, how to be claimed.

Appeals.

LXXVIII. There shall be Rights of Appeal against the Decision of the District Council or of the Executive Committee as follows:

In all Cases where the Decision of the District Council or of the Executive Committee on any Question would, but for the Power

Appeals. One Fourth of Council may appeal.

of Appeal herein-after given, be final, it shall be lawful for *One Fourth* in Number of the Members of the Council to appeal from the Decision of the District Council or of the Executive Committee to the Council of the County of which such District forms a Part; provided that such Appeal shall have been lodged with the Clerk of the District within *Seven* Days after the Decision complained of, but not otherwise.

Ratepayers may appeal.

LXXIX. If any Ratepayer shall feel himself aggrieved by any such Decision of the Council or of the Executive Committee, it shall be lawful for him, within *Seven* Days after such Decision, to appeal therefrom to the Council of the County; and in the event of such Appeal being entered into, all further Proceeding in respect of the Matter in question shall be suspended until the Council of the County shall have decided thereon; and if the Council of the County shall affirm the Decision of the District Council or of the Executive Committee, the Matter shall be dealt with as if no Appeal had been entered into; and if the Decision of the County Council shall reverse that of the District Council or of the Executive Committee, the Matter shall be dealt with as if the Decision of the County Council had been that of the District Council.

Ratepayers appealing must give Security.

LXXX. In all Cases of Appeal by private Persons the Appellant shall, within the Time specified, give good and valid Security in the Sum of for the Prosecution of the Appeal, and for the Payment, in the event of his being unsuccessful, of all Expenses which may be incurred by the Council of the District in defending its Decision, and also for the Payment of any Penalty not exceeding *Twenty Pounds* which may be imposed on the Appellant by the County Council, and which they are hereby empowered to impose, if they shall consider the Appeal to be frivolous or vexatious; and such Costs and Penalty may be sued for in the Name of the District Council, and shall be appropriated, when recovered, in such Manner as the Council shall think right.

Wardens may appeal.

LXXXI. The Wardens of any Electoral Division may complain to the County Council on behalf of the Ratepayers of the Division, if they shall consider that the Roads or Public Works within their Division are not maintained in sufficient Repair, or, if they shall consider that any Order or Decision of the Council or of the Executive Committee is injurious to their Division, they may appeal to the Council of the County against such Order or Decision, within *Seven* Days after such Order or Decision shall have been made; and the Costs attending such Complaint or Appeal, and of any Investigation into the Facts of the Case ordered by the County Council, shall be borne

How Costs of Appeal to be borne.

borne as follows: If the Complaint or Appeal of the Wardens shall be found by the Decision of the County Council to be well founded, the Costs of the Complainants or Appellants shall be paid by the Treasurer of the District out of the District Rates, and in the next Rating of the District, Credit shall be given to the Electoral Division for so much as its Proportion of the entire Costs incurred may have amounted to; but if the Decision of the Council shall be against the Electoral Division, the whole of the Costs and Expenses incurred shall be charged against such Division.

One District Council may complain against another District Council.

LXXXII. Any District Council, either within the same County or otherwise, may complain to the Council of the County in which the District Council complained against is situated, in respect of any Neglect of sufficient Maintenance of its Roads by another District Council, or in respect of the Line of any new Road which is proposed to be made by any other District Council; and the County Council to which such Complaint is made shall make such Order thereon as after due Investigation it shall deem right, and may order the Costs of the Inquiry to be paid by either District.

Councils of different Districts; Costs.

LXXXIII. If the District against which Costs may be so given be in a different County from the District in favour of which they are given, the Council of such first-mentioned District may be sued for the Amount of such Costs at the Expense of recovering them in the Court of the Assistant Barrister within whose Jurisdiction such District is situated.

Engineer of County may complain against District Council.

LXXXIV. The Engineer of the County may complain to the Council of the County against any District Council in respect of the Neglect of Repair of any Road or of the Roads within the District generally; and if the District Council shall neglect to obey any Directions given by the Council of the County, the Council of the County may order the Repairs to be done under the Directions of the County Engineer, and require the District Council forthwith to levy Rates for the Expenses so incurred.

When Works to be proceeded with.

LXXXV. If within *Twelve* Days after the final granting of an Application no Appeal against it shall have been lodged, and the President shall have issued no Order of Suspension of the Work as herein-after provided, the Work may be proceeded with; but if there shall have been an Appeal lodged, and due Security given in respect of the Prosecution thereof, or if the President shall have issued an Order of Suspension, the Work shall be suspended until the Decision of the County Council, or of the Lord Lieutenant, or of the Administrative

(See Cl. 176).

tative Council, as the Case may be, in the Manner herein-after provided, shall have been had thereon; and in all Cases of Appeal the Clerk shall forthwith give Notice of such Appeal to the Clerk of the Council of the County, and shall forward to him the Application and all Documents connected therewith, to be dealt with as herein-after.

In case of Appeal, Notice to be given to County Council.

Financial Affairs of Districts.

Council to have Power to levy Rates.

LXXXVI. The Council of the District shall have the Power to levy Rates on the whole of the District by an equal Poundage Rate over all Property liable to pay Poor Rate according to the last Valuation thereof which shall be furnished by the Commissioner of Valuation; and the Rate Books of the District shall be drawn up in the same Form as the Poor Rate Books, and the Collections shall be conducted in the same Manner as the Collection of Poor Rates, and Receipts shall be given by the Collectors in a similar Form to that of Poor Rate Receipts, and there shall be the same Liability of Property to the Payment of District Rates as of Poor Rates; and in any Case where the Property rated shall have been let or demised to the Occupier rated subsequent to the passing of this Act the same Proportion may, on the Payment of the Rent, be deducted by the Tenant from the Landlord, as in Cases of Poor Rates.

Executive Committee to lay before Council financial Statement.

LXXXVII. The Executive Committee (or the Clerk if they shall neglect to do so) shall lay before the Council at the Commencement of each Meeting a financial Statement showing the Payments that have been made since the last Meeting on account of Works in progress, or for Works completed, as well as all other Payments authorized by the Council or the Executive Committee, and shall produce Vouchers for each Payment, and also a Statement of the Sums received from the Collectors of the District, and of the Amount still due by each Division, if any, and of the Balance in the Hands of the Treasurer of the District, together with a List of outstanding Claims which are chargeable against the Balance in hand, and, as near as may be, of all Charges which will probably become payable before the next Meeting of the Council; and such Statement shall separately show the State of the District Account with the Council of the County, and shall set forth the several Warrants which have been received, and the Payments which have been made on account thereof to the County Treasurer, and the Balance still due; and the Council shall have Power to object to any Portion of the Accounts, and may record their Observations thereon; and they shall cause a Copy thereof to be forwarded to the Auditor of the County to be appointed as herein-after, together with the Vouchers for the several Payments contained therein;

(See Cl. 131).

therein; and the Auditor shall have Power, with the Consent of the President, to disallow any Payment made without sufficient Authority; and the Persons who signed the Order for Payment, as well as the Clerk, if he countersigned the Order, shall be responsible for such Payment to the Treasurer, and if the Clerk has not countersigned the Order the Treasurer shall alone be responsible for the Payment.

Council to declare Amount of Rate to be levied.

LXXXVIII. The Council shall, previous to the Termination of each Meeting, taking into consideration the Amount of the several Works granted and the probable Expenditure for the next *Three* or *Six* Months, as the Case may be, determine the Amount which will be required by the District, and shall depute to the Executive Committee, or in their Default to the Clerk, to applot, within Twenty Days after the Termination of such Meeting, the Sum required on the several rateable Hereditaments of the District according to the last Valuation thereof; and the Council shall also declare the Sums, if any, to which separate Divisions of the District shall be liable, in addition to the general Liability of the District, or the Amount (if any) of the general Liability from which any Division is to be exempted, as the Case may be; and in making such Applotment, where the Amount chargeable on the several rateable Hereditaments of the District shall involve the Fraction of a Penny, they may either omit the fractional Portion of the Penny, or levy the full Penny, as they shall think fit; and the Chairman of the District, or in his Absence the Deputy Chairman and Two Members of the Executive Committee, shall sign each such Applotment, and it shall be countersigned by the Clerk.

Applotment to be made by Executive Committee.

Warrants of Collection, how to be signed.

LXXXIX. The Chairman shall cause Notice to be given throughout the District, in such Manner as the Committee shall direct, of the Amount of Rate by the Pound of Valuation which shall have been applotted on the District on account of its general Liability, and of the Amount of separate Rate which shall have been applotted on separate Divisions, and also a Statement of the Exemption which may reduce the Rate of any of the Divisions within the District; and such Notice shall specify when the said Rate shall be payable, and also the Names of the Persons who shall be authorized to collect the same; and a Copy of such Applotment, at Foot of which there shall be written a Warrant, signed by the Chairman, and countersigned by the Clerk, authorizing such Persons to collect the Amount therein specified in respect of each rateable Hereditament from those who may be liable for the Payment thereof, shall be given to each Person authorized to act as Collector for the District, and if there be different Collectors appointed for separate Portions of the District, then a Copy of so much only of the Applotment shall be given to each Collector as relates to the Portion of the District assigned to him, and each such

Copy shall be accompanied with a Warrant to collect the Amount therein set forth, signed as aforesaid.

Rates, when may be struck.

XC. If the Council shall determine that Rates shall be levied only in the Spring and Autumn of each Year, they shall be at liberty to strike their Rates accordingly, provided that the Council of the County shall have given its Assent thereto.

Counties.

Fiscal Affairs of Counties to be managed by Councils composed of Deputies.

XCI. The fiscal Affairs of Counties shall be managed by a Council to be constituted as follows: The Lord Lieutenant shall declare, by Publication in the Dublin Gazette and in some Newspaper circulating within the County, the Time and Place or Times and Places at which the Members of each County Council shall first be elected, and shall also declare the Number of Deputies which each District Council shall furnish as Members of the Council of the County within which such District Council shall be situated; and the Justices of the County shall, at a Meeting to be convened by the Sheriff thereof, and to be presided over by him, select from the Justices or others resident within the County, or within any County of a City or Town within such County, a Number equal to the whole Number of the Deputies to be furnished by the District Councils; and the Persons so selected, and the Deputies furnished by the District Councils, together with the Lieutenant or Vice-Lieutenant of the County, unless he be also President of the County, shall form the Council of the County, and the Council so constituted shall continue in Office until the next General Election of District Councils, and until their Successors shall be appointed.

Deputies from the District, how to be elected.

XCII. The Deputies from the District Councils shall be selected as follows: The Chairman shall cause Notice to be given to the Members of the District Council of the Day on which the Deputies shall be selected, and on the Day appointed the Clerk shall prepare a sufficient Number of Slips of Paper, and shall distribute them among the Members present; and each such Member shall write on the Slip of Paper given to him the Names of such Persons, whether Members of the Council or otherwise, whom he shall propose as Deputies from the District Council, and having folded up such Paper he shall deliver it to the Clerk; and the Clerk and Chairman, or some Person appointed by the Meeting for the Purpose, shall ascertain from the Voting Papers and declare the Names of those who have received the greatest Number of Votes; and if any Question shall arise with reference to the Election, the Meeting may determine on a new Distribution of Voting Papers, which shall be filled up as aforesaid; and so soon as the Election shall be finally declared the Voting Papers shall be destroyed by the Clerk; and the Names of the Persons so selected shall be

be returned by the Clerk at the First Election to the Sheriff of the County, but at all subsequent Elections to the President of the County, as the Deputies from the District Council.

First Election of Deputies by the Justices.

XCIII. The Sheriff of each County shall take all the preparatory Steps for the Selection of Deputies by the Justices in respect of the First Election of a County Council; but thenceforward the President of the County shall provide for and superintend the Elections, and shall convene the Justices of the County to meet when required, and he, or, if absent, the Vice-President of the County, shall preside at all Meetings for such Purpose.

Power of District Council to revoke their Deputation.

XCIV. Any District Council, at a Meeting specially convened by the Chairman on the Requisition of *Ten* Members of the Council, or at any Meeting when special Notice shall have been given to the Chairman of the District of the Intention to raise the Question, shall have Power to revoke their Deputation of any Member to the County Council, and to appoint another in his Place; provided such Revocation be agreed to by *Three Fourths* at least of the Members present, and that Notice of the Intention to propose the Revocation of his Deputation shall have been given to the Deputy whom it is proposed to displace *Fourteen* Days at least before such Meeting.

Justices may revoke their Deputation.

XCV. The Justices of a County may in like Manner, at a Meeting convened by the President of the County on a Requisition signed by at least *Ten* Justices, and by a like Majority of *Three Fourths* of the Justices present, revoke their Deputation of any Person to the County Council, and select another Person in the Place of the Deputy so displaced; and the Deputy then elected shall remain in Office so long only as he in whose Place he may have been substituted would, but for such Revocation, have remained in Office.

Chairman and Deputy Chairman to be elected by Council.

XCVI. The First Meeting of the First Council shall be convened by the Sheriff, and he shall preside thereat until a Chairman of the County as herein-after directed shall have been elected; and if a Majority of the Council shall be present at such Meeting, the Members may forthwith (or, if they shall so decide, at an Adjournment of such Meeting) elect a Chairman and a Deputy Chairman of the County; and in no Case shall a Chairman or Deputy Chairman be elected unless a Majority of the entire Council shall be present at the Meeting at which such Election shall be taken into consideration; and the Chairman and Deputy Chairman shall, unless they shall resign or be incapacitated from Illness or other Cause, continue in Office during the Continuance of the Council; and when any Vacancy shall occur, and

be declared by the Council, another Person shall, as soon as may be, be elected Chairman or Deputy Chairman, as the Case may be, in the Place of the Person who has so resigned or become incapacitated.

Chairman or Deputy Chairman to preside.

XCVII. The Chairman, or in his Absence the Deputy Chairman, shall preside at all Meetings of the Council or of the Executive Committee to be appointed as herein-after; but in the event of both the Chairman and Deputy Chairman being absent, a Chairman of the Day shall be elected; and the Authority, Duties, and Privileges of the Chairman and Deputy Chairman of the Council of the County, at all Meetings of the Council and of the Executive Committee thereof as herein-after, shall be in respect to such Council and Committee the same as those herein-before assigned to the Chairman and Deputy Chairman of each District Council and to the Executive Committee thereof.

Council of County to be a Body Corporate, and shall have Power to appoint an Executive Committee.

XCVIII. The Council of every County shall be a Body Corporate under the Name of the Council of the County of , and shall have perpetual Succession and a Common Seal, and may sue and be sued, and may acquire and hold Lands as a Corporation, and shall have and be subject to all other Rights, Privileges, and Liabilities attaching to a Body Corporate, and the Council of every County shall have the same Powers of administering Oaths, of maintaining Order at Meetings, and of Adjournment, and holding Special Meetings, and of forming Rules for the Regulation of their Proceedings, and of appointing and dismissing Officers, and of assigning Salaries to them, and of appointing an Executive Committee of not more than *Nine* nor less than *Five* Members, and of deputing to such Executive Committee such Powers of acting in the Name and with the Authority of the Council as have been herein-before assigned to the Councils of Districts; and the County Council shall also be empowered to assign Allowances to the Members of the Executive Committee in respect of their Travelling Expenses to and from the Place of Meeting of the Committee and for their reasonable Expenses while in attendance on such Committee; and the Executive Committee so appointed shall, so far as may be required for the Duties herein-after assigned to the Council of a County, have similar Powers and Authority to those given to the Executive Committee of a Council of a District.

Mode of proceeding to be the same as that of District Council.

XCIX. In respect of the Execution of the Duties assigned under this Act to the Council of a County (except so far as may be herein-after otherwise directed), the Mode of proceeding shall in all respects be the same, as near as may be, as the Mode of proceeding which the Council of a District are required to observe and follow.

C. A Clerk

C. A Clerk, Engineer, and Treasurer of the County shall be appointed by the Council; and the Clerk and Engineer of the County shall, in respect of the Execution of the Duties assigned to the Council of a County, have the same Duties, and be subject to the same Responsibilities, and shall give in the same Manner Security for the due Performance of their Duties, to be approved of by the County Council, as the Clerk and Engineer of a District Council with reference to the Duties assigned to the District Council; and the Engineer of the County shall be subject to the same Examination and be removable in the same Manner as the Engineer of a District; and the Treasurer of the County shall be appointed subject to the same Conditions in respect of Securities or otherwise, and be liable to the same Duties and Responsibilities in respect of the County as the Treasurer of a District in respect of the District.

County Officers to be appointed.

CI. The County Council shall ascertain the State of the County and Baronial Collections as existing at the Time of their coming into Office under this Act, and shall have the same Power of enforcing such Collections as the Grand Jury of the County or the present County Officers of themselves, or on Presentment by the Grand Jury, would but for the passing of this Act have had, and shall allocate the Amounts collected in the same Manner as such Officers by themselves, or on Presentment by the Grand Jury, would have been bound to allocate them.

County Council to complete Grand Jury Collections.

CII. In the Case of Works granted on Presentments or a Presentment by any Grand Jury, but not completed at the coming into operation of this Act, they shall be dealt with by the Council in all respects as the present County Officers or any Grand Jury might have dealt with them; and in the Case of outstanding Contracts for the Repair of Public Works for the Payment of which no Provision has been made by a Grand Jury, the Council shall determine the Portion thereof which shall be chargeable to each District, and each District shall thenceforward be liable thereto as a Charge on such District at large; and in the Case of Charges or Incumbrances incurred before the coming into operation of this Act, and affecting the County at large, or any Districts or Parts of Districts thereof, the Council shall allocate the Amount thereof, in case the Charge shall affect the County at large, among the several Districts thereof, or if the Charge shall affect separate Districts or Parts of Districts only, the Council shall allocate the Amount thereof on such Districts or Parts of Districts, not being less than an Electoral Division, as to them shall seem right; and in all such Cases the Assessment in respect of such Charges shall be made according to the Valuation on which the last Poor Rate was levied.

Council to complete Works begun by Grand Juries.

Imperative Duties of the Council of a County.

Duties which would have been imperative on Grand Juries to be imperative on the Council.

CIII. The imperative Duties of the Council of a County shall be—

To make Provision in the Manner herein-after provided for the sufficient Maintenance of all existing County Establishments, and for all the Expenses and Charges connected with the Administration of Justice within the County which have been heretofore provided for by Grand Jury Presentments, or for which it would have been the Duty of a Grand Jury to provide, and to make Provision for all the Charges and Expenses which may be required for the due Performance of the Duties assigned to the Council of a County by this Act:

To maintain in good and sufficient Repair all Public Buildings belonging to the County:

To build or repair Bridges and Causeways, and the Works connected therewith, within the County where the Cost of such Bridge, Causeway, or Works, or of the Repairs thereof, shall be estimated to exceed Two hundred Pounds:

Generally to make Provision for all Charges of any Kind or Description for which it would have been the Duty of a Grand Jury of the County to provide, and to cause the Amount thereof to be levied as nearly as may be from the Districts or Divisions of the County which would have been liable in respect of any such Charges if made on Presentment or otherwise by a Grand Jury:

To obey and carry into effect all Orders of the Lord Lieutenant and of the Administrative Council under this Act:

To appoint and assign adequate Salaries to all such competent Persons as may be required under this Act for the Assistance of the Council in the due Performance of their Duties, and to hear and investigate all Complaints which shall be made against any Officer subject to their Control, and to adjudicate thereon as may appear right, and to inquire into the continuing Solvency of all Persons who may have entered into Security for the Performance of Duty by their Officers:

To hear and determine all Appeals from the Decisions of the District Councils, and also all Applications approved of by the District Councils, the final Determination on which is by this Act assigned to the Council of the County:

To hear and cause Investigation to be made in respect of any Complaint made against a District Council by the President of the County in respect of Neglect or Misuse of the Powers and Duties assigned to such District Council by this Act, and

to

to adjudicate thereon; with Power, if their Orders shall be disobeyed by the District Council, to cause such Orders to be executed by their own Officers, at the Charge of the District:

To require their Engineer, in the Spring and Autumn of each Year, to report on the State of Repair of all Bridges and Public Buildings within the County, and of all the Main Lines of Communication between the several Towns of the County, and of such other Roads as may have been placed under his Charge, and of all Piers, Jetties, and Landing Places heretofore made or repaired on Presentment by a Grand Jury, or by any Public Board, on any Harbour, navigable River or Canal, and on such Report the Council shall make such Orders thereon as they may deem expedient:

Councils to appoint Boards of Superintendence.

To appoint Boards of Superintendence of all County Establishments: Provided always, that the President and Vice-President of the County, and the Chairman of each District Council within the County, and the Members of the Executive Committee of the County Council, shall be Members of all County Boards, and such Boards shall have such Powers as the Council shall depute to them:

Councils to meet Four Times in the Year.

To meet *Four* Times in the Year, at such Periods as shall allow at least Days to elapse between the Quarterly Meetings of the District Councils in each County and the Meetings of the County Council; but, if they shall think fit, they may determine that Warrants for County Levies, shall only be ordered at their Spring and Autumn Meetings.

The Discretionary Powers of the Council of a County.

CIV. The Council of the County shall have Power—

Council may grant Superannuations.

To grant such Superannuations, Rewards, or Compensation connected with the Administration of Justice or the Public Service within the County as they shall deem right; but when any such Grant shall exceed or when it shall be in the Form of an Annuity, the Decision of the Council of the County shall be approved of by the Lord Lieutenant in Council, otherwise it shall be of no Effect:

Council may erect Buildings required for the Administration of Justice, &c.

To hire or purchase Land for the Purpose of erecting and may erect thereon, at the Cost of the County at large, any Building which they shall consider requisite for the Administration of Justice, or the Maintenance of Law and Order within the County, without reference to the District Councils:

Council may determine what Line of Roads, &c.

To determine that any Main Line of Communication through the County, or any Portion thereof, or any Harbour, Pier, or Landing

shall be repaired at the Charge of the County.

Landing Place on any Canal or navigable River, shall be repaired or maintained or be improved at the Charge of the County at large:

Council may make new Roads, &c. at the Charge of the County.

To determine on and direct the Formation of new Roads, or the Alteration or Improvement of old Roads, and the Erection of Bridges, Viaducts, and Causeways, and the Works which may be connected therewith, or may be required for their Security, and the Formation of Piers, Jetties, Quays, and Landing Places, and to cause the Cost thereof to be levied from off the County at large:

Council may redeem Tolls on Roads and Bridges.

To redeem, at the Charge of the County at large, Tolls on Roads and Bridges, or to sanction the Redemption of such Tolls by the Councils of Districts:

Council may purchase Tolls of Fairs or Markets, or sanction such Purchase by Districts.

With the Consent of the Proprietors of the Tolls or Customs of any Fair or Market within any District of the County, to sanction the Purchase of such Tolls or Customs by the Council of such District, or by the Governing Body of any City or Town within the District, and if it shall be proposed to continue the Collection of Tolls and Customs at such Fairs or Markets after such Purchase, to sanction the proposed Appropriation of the Receipts thereof, or to make such other Decision thereon as they shall think right.

Council, with Consent of District Councils, may execute Works not heretofore presentable by Grand Juries.

CV. The Council of the County shall have the same Power of executing any Work, or of sanctioning any Undertaking of public Utility, or for the Safety or Convenience of the Public, or for the Promotion of Education, or for the Public Health, or the Maintenance of Law and Order within the County, the Expenses of which, or any Portion of such Expense, it is proposed to levy from the County at large, as any District Council has under this Act in respect of its District; but where such Work shall be of a Kind not heretofore done or executed on Grand Jury Presentment, the proposed Undertaking or Work shall first be submitted to each District Council within the County; and if a Majority of the entire Number of Councils within the County (or in case of Equality a Majority in Value according to the Valuation of the District) shall disapprove of such Work or Undertaking, it shall not be proceeded with by the Council; but if a Majority as aforesaid shall not disapprove of the Work, any District Council may notwithstanding appeal to the Administrative Council of the Lord Lieutenant against it, and their Decision thereon shall be final and conclusive.

Powers and Duties of Councils in

CVI. In all Cases where the ultimate Decision on an Application for a private Undertaking, which shall have been sanctioned by the Council

Council of a District, has been herein-before assigned to the Council of the County, the Council may sanction absolutely or conditionally, or may reject, or may revise and alter or reject the Terms or Conditions which shall have been sanctioned in reference to such Undertaking by the District Council, or may depute their Power of Decision thereon to the Executive Committee of the County, or may direct them to make such Inquiries in relation thereto as to them may seem fit; but if the Applicant or any District Council shall feel him or itself aggrieved by any such Decision, such Applicant or Council may appeal to the Administrative Council of the Lord Lieutenant, in the Manner herein-after mentioned.

respect of private Undertakings which have been sanctioned by the District Councils.

(See Cl. 121 & 122.)

CVII. When any such private Undertaking shall affect more than Two Districts in the County, or when it is proposed by the Undertakers thereof that a certain Return on the Expenditure should be guaranteed, or that a certain Portion of the Work should be executed by the County at large, or when the President of the County shall be of opinion that the Application is one which affects the general Interests of the County, and shall have assented to the Application being brought in the first instance before the Council of the County, it shall not be requisite that such Undertaking should have been sanctioned by any District Council, but Application may be made in the first instance to the Council of the County in respect thereof, in the same Manner as other Applications to the Council of a County are under the Provisions of this Act required to be made, anything herein-before contained to the contrary notwithstanding; and such Council shall, subject to Appeal to the Administrative Council of the Lord Lieutenant as herein-after provided, have Power to grant the Application absolutely or conditionally, or to reject it, or may depute their Power of Decision thereon to the Executive Committee of the County, or may direct them to make such Inquiries in relation thereto as to them may seem fit.

Where the Sanction of the District Council may be dispensed with.

CVIII. In all Cases contemplated by the Two previous Clauses where the Undertaking shall have been referred by the County Council to the Executive Committee of the County, whether the Undertaking shall have been previously sanctioned by a District Council, or shall in the first instance have been approved of by the Council of the County, the Executive Committee thereof shall, with the Assistance of the Assessor of the County, to be appointed as herein-after, and of the Engineer of the County, cause such Inquiries or local Examinations to be made, by Survey or otherwise, and at the Expense of the Applicants, as shall enable them to decide thereon or report thereon, as the Case may be; and if the Application shall have

Duties of the Executive Committee and of the President of the County in respect of Private Undertakings. (See Cl. 129.)

been originally made to the County Council, the Executive Committee shall report to the Council on the following Particulars:

1. On the Sufficiency of the Plan laid before the Council for the professed Object:
2. On its being the best or most practicable Manner for attaining that Object:
3. On the Ability of the Undertakers to complete the Work; and in case there be a Deed or Deeds of Partnership or Settlement in connexion with the Undertaking, whether such Deed or Deeds shall have been duly executed by those who are stated to be the Promoters of such Undertaking:
4. On the Amount of Security which should be required for the Completion of the Work, and the Payment of all Damages, Compensations, or any Costs that may be attendant thereon:
5. On the Term within which the Work should be completed:
6. On the Tolls or Charges which may be reasonably made by the Promoters of the Undertaking for the Use thereof:
7. On any special Circumstances which may be connected with the Undertaking:

And the Executive Committee shall determine, in all Cases contemplated in the previous Clause, in what Manner due Notice shall be given to all Persons whose Property or Interests may be affected by the Undertaking; and so soon as the Executive Committee shall have completed all such preliminary Inquiries, and shall have reported thereon to the Council, the Council may grant the Application, or may grant it subject to such Conditions as it may impose, or may reject it; and if the Application be granted, so soon as the President of the County shall be satisfied that the Security required has been duly entered into, and that all the Requirements of this Act, and all Directions (if any) of the Council or of the Executive Committee have been duly complied with, he shall have Power to apply to such Undertaking any of the Powers or Provisions of the herein-before recited Acts of One thousand eight hundred and forty-five or One thousand eight hundred and forty-seven as may be applicable to the Case, or as he may consider requisite.

Council to require Security for the Execution of private Undertakings.

CIX. The Council of the County shall in all Cases of Undertakings by Individuals where its Sanction is required under this Act, whether in respect of Works undertaken in Districts or of Works affecting the County at large, require such Security as they shall deem to be sufficient to be given for the due Execution of the Work or the Performance of the Undertaking, and the Payment of all Expenses in relation thereto, and the Payment of all Costs and Compensations or Damages as may be awarded by any Jury or other competent

competent Authority under this Act, or under any of the herein-before recited Acts of One thousand eight hundred and forty-five, or One thousand eight hundred and forty-seven, which the Council under this Act have Power to bring into operation within the County; but if the President shall deem the Amount of Security so determined on by the Council to be excessive or insufficient, the Question shall be referred to the Lord Lieutenant, whose Determination thereon shall be final.

Council may sanction Byelaws in respect of private Undertakings.

CX. The Council shall have Power to sanction, or with the Assent of the President to alter and amend, Byelaws which may be required for the Management or Preservation of their Works by any Company of Undertakers whose Undertaking shall have been sanctioned by the Council or by any District Council, and for which Provision shall not have been made in the Acts herein-before recited of One thousand eight hundred and forty-five or One thousand eight hundred and forty-seven, with Power to impose Penalties not exceeding , or in default of Payment Imprisonment for not more than Days, for any Infraction of such Byelaw, either by the Servants of the Undertakers, or by others who shall be held by the Magistrate or Magistrates who may try the Case to have knowingly and wilfully disobeyed such Byelaws: Provided,

1st. That no such Byelaws shall be submitted to the Council unless they shall previously have been approved of by the President:

2d. That no such Byelaws shall be brought under the Consideration of the President without previous Publication:

3d. That nothing therein contained shall be contrary to any Law of the Realm:

4th. That no such Byelaws shall be acted on or be carried into effect by any Magistrate or other Person until they shall have been signed by the President, and been promulgated as hereinafter directed.

Mode of Proceeding by the Council of a County.

Mode of Proceeding of Council and Executive Committee.

CXI. In all Cases of Application made to the Council of the County, the Mode of Procedure thereon by the Council or its Officers, or by the Executive Committee, shall be the same as that herein-before prescribed for the Guidance of the Councils of Districts and their Officers and Executive Committees, so far as is practicable, and as is consistent with the following Rules:

Mode of Application to the Council to be same as that to the District Council.

1st. Every Application shall be made to the Council of a County in the same Manner and at the same Period in reference to its Time of Meeting as to a District Council, and all the Rules which have been herein-before prescribed for the Guidance of the

the Clerk of the District shall in reference to their Distribution to the Members of the County Council, and to their Publication, and to the Publication of the Decisions of the Council, and in obtaining Contracts for Works, and in all other respects, be followed as nearly as the Case admits of by the Clerk of the Council of the County:

2d. Where any Application shall be made for a Work to be executed at the Expense of the County at large, if it be approved of at the First Meeting of the Council it shall be referred to the Executive Committee, to obtain provisional Contracts for its Execution, but it shall not be finally granted until a subsequent Meeting of the Council:

3d. In Cases of Application to the Council for its Sanction for any Work which has been approved of by a District Council, or in case of Appeal against the Decision of a District Council, the Decision of the County Council thereon shall be final, unless where it is otherwise provided by this Act; and in all Cases the Council may, if it consider that further Inquiry is necessary, postpone its Decision, or depute to its Executive Committee either to have such further Inquiries made, and to report to the County Council thereon, or to decide the Question in the Name and with the Authority of the Council.

Day to be appointed for hearing Appeals or Complaints.

CXII. The Council shall appoint a Day on which Appeals shall be heard, and such Appeals shall be proceeded with in the Order in which they stand in the published List of Applications, but on sufficient Cause being shown a different Order may be followed; and if the Council shall think fit to order any further or more special Investigation to be made by their own Officers, they may either postpone their Decision until their next Meeting, or, with the Consent of the Parties, depute to the Executive Committee the Power of giving a final Decision in the Name of the Council; and all Complaints against District Councils for Neglect or Misuse of their Duties or Powers shall be heard as Appeals, and the Council may proceed thereon as in respect of Appeals; and if the Council or the Executive Committee shall consider a Complaint to be well founded, they may make such Order as the Justice of the Case may seem to require; and if such Order be not obeyed by the District Council the Complainant may again lodge a Complaint, in the same Form and under the same Restriction in respect of Security as the First Complaint; and if such last Complaint shall be established, the Council may direct their own Officers to execute their Orders, and may cause the Amount expended by them to be included in the next Warrant to the Treasurer of the District in the Manner herein-after directed.

Mode

Mode of proceeding in respect of Applications which shall have been approved of by any District Council, but which require the Sanction of the County Council.

Mode of proceeding where the ultimate Decision on an Application rests with the County Council.

CXIII. So soon as an Application shall have been approved of by the District Council, if it be proposed to levy the Cost thereof from the District or any Portion thereof, the Executive Committee of the District shall proceed to obtain Tenders for the Execution of the Work, as in Cases not requiring the Sanction of the County Council; and so soon as a Provisional Contract shall have been completed, or if in default of a satisfactory Contract being obtained, the Committee shall have directed their Engineer to frame an Estimate of the probable Cost of the Work as herein-before provided, such Contract or Estimate shall, together with the Application, and all Maps and Plans connected therewith, and a Copy of the Decision of the District Council thereon, be forthwith forwarded by the Clerk of the District Council to the Clerk of the County Council: Provided always, that no Application requiring such Approval shall be brought before the County Council for its Sanction unless such Application shall, together with all Maps and Plans connected therewith, have been lodged in the Office of the County Days before the Meeting of the County Council.

When such Applications are to be lodged.

The Execution of the Works approved of rests with the District Council.

CXIV. When the Council of the County shall have finally sanctioned any such Application as aforesaid, and if within *Seven* Days from such Sanction having been declared no Appeal against it shall have been lodged, and the Work proposed is to be executed at the Expense of the District which shall have approved of such Work, the Application and the several Documents connected therewith, with the Decison of the Council thereon, shall be forwarded to the Clerk of the District Council, and the Executive Committee thereof shall proceed in respect of the Execution of the Work as in other Cases of District Works.

The Order of the President required for the Commencement of any private Undertaking.

CXV. If the Application so sanctioned shall be for a private Undertaking, and no Appeal shall within *Seven* Days from such Sanction having been declared have been lodged against it, the President of the County shall issue such Order in respect of the Commencement of the Work, or the carrying into effect any Orders or Conditions which the Council may have attached thereto, as he shall think right.

The financial Affairs of Counties.

Financial Statement to be laid before the Council by the Committee.

CXVI. In respect of the financial Affairs of a County, be it enacted, That the Executive Committee, or in its Default the Clerk, shall lay before the Council, at each of its Quarterly Meetings, a financial Statement of the Affairs of the County, similar to that required

to be laid before the District Councils in reference to the Affairs of the District, and before the Termination of the Meeting of the Council the Executive Committee or the Clerk shall propose the Amount of Rate to be levied for the next *Six* Months to meet all existing Claims against the Council for which Provision has not been made, as well as to meet the probable Expenditure for the Period, and may include such Sum as shall seem reasonable to meet Contingencies, and the Council shall determine the Amount which shall be levied off the County at large, or any Portion of it: Provided always, that in case of any sudden Emergency an extraordinary Rate may be proposed at either of the other Meetings of the Council.

The Committee applots the Amount required over the separate Districts.

CXVII. The Executive Committee, or in their default the Clerk, shall, within *Ten* Days after the Termination of the Council, applot the Sum required over the several Districts of the County according to their last Valuation; and if any separate Charge shall be determined on by the Council to be added to the general Charge against any particular District or Division, or if any District or Division shall in the Opinion of the Council be entitled to claim Exemption from any Part of the general Charge, the Applotment shall be made accordingly; and the Committee, or in their default the Clerk, shall cause to be delivered to the Clerk of every District Council within the County a Copy of the financial Statement so adopted by the Council, and of the Applotment made in respect thereof, and shall also cause another Copy thereof to be delivered to the Auditor of the County, together with sufficient Vouchers for all Payments that have been made; and if the Auditor of the County shall feel dissatisfied with any Item in the Accounts, or if any District Council, or the Executive Committee thereof, shall feel dissatisfied with such Statement or Applotment, or by the Determination of the Council thereon, he or they may appeal, within *Ten* Days after the Receipt of such Copies, to the President of County, who may cause such Alterations to be made in the Statement or the Applotment as the Justice of the Case may require, and if it be necessary may order a new Applotment to be made.

Notice to be given to the several Districts of the Amount they are required to pay.

Warrants to be issued to the several District Councils requiring them to raise the Amount applotted.

CXVIII. So soon as such Applotment shall be finally determined on, the Chairman of the County, or in his Absence the Deputy Chairman, and Two Members of the Executive Committee, shall sign Warrants to the several District Councils within the County, requiring them to raise within their Districts and pay to the County Treasurer the Amount required, within a Term specified in the Warrant, not being less than *Three* Months from the Date of the Warrant; and the Clerk of the County Council shall countersign such Warrants, and shall cause them to be delivered to the Clerks of the several District Councils; and Copies of such Warrants shall be delivered

delivered to the Treasurers of the several Districts, with Notices, signed and countersigned as aforesaid, requiring them respectively at the Time specified, and thenceforward until the Amount required shall have been paid, to transfer to the County Treasurer all Money which shall then be in their Hands to the Credit of their several Districts, or any Money which they may from Time to Time receive on account of their Districts respectively; and if the Treasurer of any District shall act in contravention of such Order he shall be liable for the Amount he shall have received or have paid away otherwise than in obedience to the County Warrant so delivered to him; and if any District Council shall refuse or neglect to obey the Warrant so delivered to the Clerk of such Council, and to collect the Amount required, the Council of the County or (if they shall have been authorized to do so by the Council) the Executive Committee may themselves appoint Collectors for such District, and may issue Warrants for the Collection by them within the District of the Amount required, and of the probable Cost of such Collection; or the Council of the County may apply to the Superior Courts, in the Manner hereinafter provided, for a compulsory Order to such District Council to collect the Amount required.

Appeals from the Decision of the County Council.

CXIX. In respect of Appeals from the Decision of the County Council, be it enacted, That the Deputies of any District, or the Majority of them if there be more than Two, may appeal to the Administrative Council of the Lord Lieutenant against any Decision of the County Council on giving Notice thereof to the Clerk within *Seven* Days after the Termination of the Meeting at which the Decision appealed against has been given; and if the Appellants fail in obtaining the Decision of the Council to be reversed, all the Costs and Expenses of such Appeal shall be borne by the District of which the Appellants may be the Deputies; and if the Decision of the Administrative Council shall be in favour of such Appellants, their Costs and Expenses shall be paid by the Treasurer of the County on the Order of the Administrative Council; and the District of the Appellant Deputies shall be exempted from so much of the general Rate of the County as the Costs and Expenses of all Parties shall amount to, and the Rates of the other Districts of the County shall be increased in proportion.

The Deputies of any District may appeal to the Administrative Council from the Decision of the County Council.

CXX. *One Fourth* of the entire Number of any County Council may appeal to the Administrative Council against any Decision of such County Council, and in such Case all the Costs incurred shall be borne by the County at large.

One Fourth of the Council may appeal.

Any Individual on giving Security for Costs may appeal.

CXXI. Any Individual aggrieved by a final Decision of the Council of a County may appeal against such Decision to the Administrative Council within the like Period of *Seven* Days, but in all Cases he shall first sign an Undertaking, as well as give valid Security in the Sum of to prosecute the Appeal, and to pay all Costs and Expenses which may be given against him by the Adminstrative Council, and also any Sum not exceeding *Pounds* which may be imposed on him by the Council if his Appeal be declared by it to be frivolous and vexatious.

Parties having Claims against the County Council may appeal to Courts of Justice.

CXXII. In any Case where a Party having a claim against a County shall be dissatisfied with the Decision of the Council in respect of such Claim, the Party so dissatisfied may in like Manner appeal against such Decision, either to the next Assizes or the next Quarter Sessions, according to the Amount of the Claim, and such Party shall not be required to give any Undertaking or Security for the Prosecution of his Appeal; and all Notices of Appeal shall contain a short Statement of the Grounds on which the Appellant relies, and he shall be confined to such Grounds, and shall not be allowed on the Trial to bring forward any other Grounds of Appeal.

How Appeals are to be entered into.

CXXIII. In Cases of Appeal the Clerk may require satisfactory Evidence to be given in respect of the Solvency of the Security tendered: Provided always, that if the Undertaking be signed, and the Security be entered into in the proper Form, before any Two Magistrates of the County, who shall at the same Time certify their Knowledge of the Parties signing, and their Belief in their Solvency, the Undertaking and Security so entered into shall be sufficient if lodged with the Clerk within the Time specified.

Forms of Appeal are to be furnished by the Clerk.

CXXIV. Any Person intending to appeal may, on Tender of the Sum of *One Shilling*, require the Clerk to supply him with the necessary Forms of the Undertaking and of the Bond; and the Undertaking may be signed and the Bond executed either in the Presence of Two Magistrates as aforesaid, or in the Presence of the Clerk of the Council; and the Clerk shall, within *Ten* Days after any Meeting, publish in One or more Newspapers circulating within the County (as determined by the Council) a List of all the Decisions of the Council against which Appeals have been perfected.

The President of the County, and Officers connected with the Duties of the President.

Councils of Counties to submit to the

CXXV. In respect of the due Execution of the Provisions of this Act, and the Protection of public and private Interests, be it enacted, That

That the Lord Lieutenant shall select a President and a Vice-President for every County in the Manner following:

Lord Lieutenant Lists of Persons recommended for the Offices of President and Vice-President.

So soon as each County Council shall be formed, they shall prepare a List of *Three* Persons resident within the County whom they recommend for the Office of President, and a Second List of *Three* Persons so resident for the Office of Vice President of the County, and shall forward them to the Lord Lieutenant, who may object to all or any of such Names, and may subsequently, if he shall assign Motives for his Objection, continue to object to the Lists submitted to him until he shall be satisfied therewith.

Lord Lieutenant to select from such Lists.

CXXVI. From the Lists so supplied he shall select One Person to be President and another Person to be Vice-President of each County; and such President and Vice-President shall hold Office during the Pleasure of the Lord Lieutenant; and if either be dismissed or shall resign, his Name shall not, except with the Consent of the Lord Lieutenant, be inserted in the new Lists to be supplied by the Council from which his Successor is to be selected.

Salaries to be assigned to each.

CXXVII. The Lord Lieutenant shall assign a Salary to each President of a County, not exceeding *Five hundred Pounds* per Annum, nor less than *Two hundred and fifty Pounds*, in proportion to the Extent and Number of the Districts which shall be under his Charge, and also a Salary not exceeding *Two hundred Pounds* nor less than *One hundred Pounds* to each Vice-President.

President and Vice-President not to be both absent from the County at the same Time.

CXXVIII. The President and Vice-President of a County shall at no Time be both together absent therefrom, nor shall either be absent from the County without the Permission of the Lord Lieutenant; and the Vice-President shall be bound to do any Act or Duty connected with the Administration of this Act which shall have been deputed to him by the President.

Assessor of the Courts to be appointed;

CXXIX. The Lord Lieutenant shall, from a List of Three Barristers of not less than *Seven* Years standing at the Bar, to be submitted to him by the Council (but subject to Objection as hereinbefore provided with respect to Lists of Persons for the Office of President and Vice-President of a County), select One Person to be the Assessor of each County, who shall be the legal Adviser of the President and of the several Councils within the County in respect of the Execution of this Act, and who shall hold Office during the Pleasure of the Lord Lieutenant, or until *Three Fourths* of the entire Council of the County shall have determined on his Removal; and a Salary shall be assigned to each Assessor by the Lord Lieutenant,

varying from *One hundred and fifty Pounds* to *Three hundred Pounds* per Annum, according to the Extent and Number of Districts within the County, and in addition to the Fees herein-after provided for such Assessors in respect of the Duties to be performed by them.

also Solicitor;

CXXX. The President of the County shall also select a Solicitor resident within the County, who, when approved of by the Council, shall be the Solicitor of the County, and shall be paid, out of the Fees payable by Applicants or out of the County Levies, such Salary or Remuneration as the Council shall determine.

also a Secretary to the President, and an Auditor of the County Accounts.

CXXXI. The President shall appoint a competent Person to act as his Secretary, to whom a Salary shall be assigned by the Lord Lieutenant not exceeding *One hundred and fifty Pounds*, nor less than *One hundred Pounds* per Annum, according to the Extent and Number of Districts within the County: He shall also appoint an Auditor of the Accounts of the County Council, and of the several District Councils within the County, to whom either a Salary not exceeding *One hundred Pounds* per Annum nor less than *Fifty Pounds*, as shall be determined by the Lord Lieutenant, shall be paid by the Council of the County, or, if so determined by the Lord Lieutenant, a Per-centage on the Amount audited, not exceeding the Amount now levied on the County for the Audit of County Accounts; and such Auditor may be removed by Order of the Lord Lieutenant or of the President.

Expenses of the President's Office.

CXXXII. The Lord Lieutenant may also assign to the President such Sum as he shall think fit for the reasonable and necessary Expenses of an Office, which shall be called the President's Office, and for Clerks, Stationery, and other Office Expenses; and the Office shall be kept in such Place within the County as the President, with the Approval of the Council, shall select.

The several Salaries and Allowances which shall have been assigned as aforesaid by the Lord Lieutenant shall be paid by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, at the same Periods and in like Manner as other Civil Services under the Crown in Ireland are paid out of any Funds appropriated by Parliament for the Purpose; but in consideration thereof, be it enacted, That—

All Applications to any of the Councils to be on stamped Paper.

CXXXIII. All Applications made to any Council, and all Contracts entered into with and Bonds given to a Council, shall be written on Paper stamped with such Stamp, or with such Stamp affixed thereto, and of such Value as shall be requisite according to the Schedule

Schedule to this Act annexed; and no other Stamp shall be required for any such Documents, notwithstanding any Statute now in force relating to Stamp Duties.

The Stamp Office to cause separate Stamps to be made.

CXXXIV. The proper Officers of the Stamp Department shall cause separate and peculiar Stamps to be made for County Purposes, and shall direct them to be sold by all Persons who are authorized to sell Stamps for other Purposes; and all such Penalties as attach to the Forgery of Postage or other Stamps shall apply to the Forgery of any Stamp so issued.

Clerk of Councils to be responsible for the Stamps being real.

CXXXV. If the Clerk of a Council shall bring under the Consideration of the Council any Document not duly stamped, or if he shall countersign any Document containing any Contract or Decision of the Council without the proper Stamp being thereon or attached thereto, or if he shall neglect to cancel such Stamp when such ought to be cancelled, either by stamping it with the Seal of the Council or otherwise, or if he shall permit to be used on any new Application a Stamp which shall have been previously cancelled, such Clerk shall be subject to a Penalty of Fifty Pounds.

Separate Account of County Stamps to be kept.

CXXXVI. A separate Account of the Stamps so issued shall be kept, and if at the End of Two Years it shall be found that the Value of such Stamps shall exceed One Half of the Amount of Salaries and Allowances assigned under this Act by the Lord Lieutenant, it shall be lawful for him, with the Consent of the said Commissioners of Her Majesty's Treasury, either to reduce the Price of the Stamps required, or to exempt from the Necessity of being stamped any Class of Documents for which a Stamp is required under this Act; and Notice of such Reduction or Exemption having been given by Publication in the Dublin Gazette, all Documents hereby required to be stamped shall thenceforward be stamped only as required in such Notice.

Duties of the Presidents and Vice-Presidents of Counties.

President responsible for the Execution of this Act within his County.

The President may suspend the Orders of any Council within the County.

CXXXVII. In respect of the Duties of the President and Vice-President of a County, the President (or in his authorized Absence the Vice-President) shall be responsible for the proper Execution of this Act within the County; and if he shall consider any Act or Order of a Council to be contrary to the Laws of the Realm or to the Public Weal, he may order it to be suspended for *Fourteen* Days, in order that it may be referred to the Lord Lieutenant, who, if he thinks fit, may still further suspend it for *Twenty-one* Days, in order that it may be considered by the Administrative Council, whose Decision thereon shall be final and conclusive.

President responsible for the Audit of County Accounts.

CXXXVIII. The President shall be responsible for the Acts of his Secretary, and also for the proper Audit of the Accounts of the several Councils within the County, and may disallow any Item contained in such Accounts, if he shall consider that any Payment has been made without sufficient Authority; with Power, nevertheless, to any Council to appeal to the Administrative Council of the Lord Lieutenant against his Decision; and in case of final Disallowance of any Payment, those who signed the Order, and the Clerk who countersigned it, shall be responsible to the Treasurer for its Repayment.

President may cause Complaints made against District Councils to be investigated by County Council.

CXXXIX. If Complaint shall be made to the President against a District Council, either in respect of its Neglect of Duty or Misuse of its Powers, he may require the Chairman or the Engineer, or other Officer of the District, as the Case may require, to report thereon; and if the President shall think fit to do so, he may bring the Complaint under the Consideration of the Council of the County, who may make such Decision thereon as the Nature of the Case may require, and as if an Appeal had been lodged in the Manner herein-before set forth against any Decision of a District Council; or the President may bring the Complaint under the Consideration of the Executive Committee of the Council of the County, which shall have Power to order such local Inquiries to be made by the Engineer or other Officer of the County, or by such Persons as such Committee shall depute thereto, as they may think fit, and such Committee may bring the Case before the Council, to be dealt with by them, or may decide thereon summarily; and the Council, with the Consent of the President, may order all the Costs and Expenses of such Inquiries to be charged against the District complained against; subject always to any Right herein-before given of Appeal from the Decision of the County Council to the Administrative Council of the Lord Lieutenant.

President may refer Complaints against District Council to the Administrative Council.

CXL. If any Complaint shall be made to the President against the Council of the County, in respect of Neglect of Duty or Misuse of Powers, or if the President shall be of opinion that it has neglected its Duties or misused its Powers, he may bring the Subject under the Consideration of the Lord Lieutenant, who, with the Consent of the Administrative Council, may make such Order thereupon as the Justice of the Case may require.

President to keep all Securities.

CXLI. The President of each County shall receive and keep the several Securities entered into by the Clerks, Engineers, Treasurers, and other Officers, as well of the County as of the several Districts within the County, and shall allow such Securities to be inspected by any Ratepayer, when reasonably required so to do, and once at least in

in every Year he shall require from the Chairman of each Council a Report on the continued Sufficiency of the Securities, and, if necessary, he may require that new Securities shall be given.

Copies of Proceedings all of Councils are to be forwarded to the President.

CXLII. A Copy of the Proceedings of every Council, and of every Executive Committee where final Power of Decision on any Application has been deputed to it by the Council, shall be forwarded by the several Clerks of the Councils within a County to the President of the County, within *Three* Days after the Meeting of the Council or of the Committee; and if the President shall think fit, in virtue of the Power herein-before given to him, to suspend the Execution of any Order of a Council, a Notification of such Suspension shall be forwarded by him to such Council within *Seven* Days after the Receipt of such Copy as aforesaid.

President may authorize Recourse to the Provisions of certain Acts in respect of Public Works.

CXLIII. If any Work or Undertaking for the Execution of which heretofore Provision could not have been made by the Presentment of a Grand Jury shall have been determined on by any Council, whether of a County or District, and shall have received its final Sanction in the Manner herein-before provided, the President of the County shall have Power, by Warrant under his Hand, to authorize such Council to have recourse to such of the Provisions of the "Lands Clauses Consolidation Act, 1845," or the "Railway Clauses Consolidation Act, 1845," in respect of the Purchase of Land or Materials for the Building, and in respect of the Payment of Damages and Compensation, and such other of the Provisions thereof as shall be applicable to such Work or Undertaking, and as the President shall cause to be inserted by such Warrant; and such Warrant shall be countersigned by the Assessor of the County; and Notice of the Warrant having been signed, and of its general Provisions, shall be published in One or more Newspapers circulating within the County, and all Persons shall thereupon be bound to obey and observe the Requirements of such Warrant in all respects; and if in any Case a Question shall arise as to a Claim for or the Distribution of any Sum to be awarded by way of Damages or Compensation through or by reason of the carrying into effect of such Warrant, or of the Proceedings of the said Acts thereby applied to the said Work or Undertaking, such Question may, with the Consent of the Parties, be determined by the President, with the Advice of the Assessor, or if the Parties or either of them shall so desire, or if the President shall think that the Question ought to be so determined, the Question shall be determined in the Manner by the said Acts or either of them (as the Case may be) provide for the Settlement of Questions with respect to Damages or Compensation.

Also in respect of private Undertakings.

CXLIV. In respect of any private Undertaking, so soon as it shall have received such final Sanction, either of a County or District Council, as is required under the Provisions of this Act, the President of the County within which such Undertaking is to be executed shall have the like Power, but subject to the like Restrictions, as in Cases of County or District Works, of authorizing the Undertaker or Undertakers to avail him or themselves of the Provisions of the "Lands Clauses Consolidation Act, 1845," or of the "Railways Clauses Consolidation Act, 1845," in respect of the Purchase of Lands and the Payment of Compensation, or in respect of any other Matter contained therein, and also of so much of the several above-mentioned Acts of One thousand eight hundred and forty-seven as the Case may require or as may be applicable.

All Byelaws are to be submitted to the Lord Lieutenant before Promulgation.

CXLV. In all Cases where the Sanction of the President is applied for in respect of Byelaws or Regulations made under the Provisions of this Act, he may order such local Inquiries to be made as he shall consider requisite, and shall, previous to his sanctioning or giving Promulgation to them, submit them to the Lord Lieutenant, and sanction and promulgate only so much of them as he shall receive the Authority of the Lord Lieutenant to sanction and promulgate.

The President is responsible for the Completion of Securities required in respect to private Undertakings.

CXLVI. If any Council shall have sanctioned any private Undertaking, and shall have required Security to be given for the Execution of the Work, or for the Payment of any Costs, Damages, or Compensation incident thereto, and shall have determined the Amount of such Security, and shall have approved of the Names of the Sureties offered, the President shall be responsible for the proper Completion of the Security, and for its Preservation, and Production when duly required.

In Cases of private Undertakings local Inquiries may be ordered by the President, with Advice of Executive Committee.

CXLVII. In all Cases of private Undertaking which are by this Act required to be submitted to the Council of a County or of a District for its Approval, if such Council or the Executive Committee thereof shall be of opinion that special Inquiry should be made, either in respect of the Merits of the Application or of the public or private Interests affected thereby, and shall determine that such special Inquiry shall be made at the Expense of the Applicant, the President shall, on such Determination of the Council or of the Committee being communicated to him, advise with the Assessor or Engineer of the County, as the Nature of the Application may require, and determine the Amount of Money which shall be lodged by the Applicant with the Treasurer of the County for the Payment of the Expenses which may be incurred in the Inquiry, and the President shall order such local Inquiries or Surveys or Examinations of the Locality affected by the Undertaking, and such Investigation in respect

respect of the Interests of Individuals or of the Public which may be affected by it, and such Examination as to the Correctness of the Plans, and the probable Advantage of the Undertaking, as he may think right, and by such Persons as he may depute thereto; and he may, with the Advice of the Assessor, require that such Notice of the Application shall be given to Parties whose Interest may be affected thereby as he shall think fit; and he may require Searches to be made in any Office of Registration, and the Production of any Papers and Documents, or sufficient Copies thereof, which may be necessary for the Proof of the Title of the Undertakers or of any Persons who may allege that they will be affected by such Undertaking, and may order the Payment of all Expenses so incurred to be made by the Treasurer out of the Money lodged as aforesaid by the Undertakers, and he may sanction such Alterations of the Plans as may be desired by Parties interested, and which he shall consider reasonable and just, and so soon as such special Inquiry shall have been completed, the President shall lay before the Council or Committee which shall have directed such special Inquiry, the Reports of the Engineer and Assessor of the County upon the Application, together with all the Documents connected with or resulting from such special Inquiry, and also an Account of all the Expenses which have been incurred in respect thereof.

Applications may be reconsidered, if any Incorrectness in Plans, &c. should be suspected.

CXLVIII. If the President shall have reason to believe that the District Council which has approved of any private Undertaking has been misled, either through the Incorrectness of the Plans or by any Satement laid before such Council, he may direct that the Application shall be reconsidered by such Council; and if he shall consider that the Interests of the Public or of the County at large, or of Districts other than that which shall have sanctioned such Undertaking, may be materially affected by the Application, he shall have Power to convene the Executive Committee of the County to consider the Application, and such Executive Committee may in such Case appeal against the Application in the Name of the Council of the County to the Lord Lieutenant in Council, whose Decision thereon shall be final.

Powers which the President can depute in respect of local Inquiries.

CXLIX. The President may authorize any Person whom he shall have deputed to hold any local Inquiry to summon Witnesses before him, and also to require the Production of Papers or Documents that may be necessary, and to administer an Oath to any Person summoned as a Witness before him; and any Person neglecting or refusing to attend or to give Evidence, or who shall give false Evidence, on any such Inquiry, shall be subject to all the Penalties to which a Person refusing or neglecting to attend before a Court of Justice when legally summoned, or refusing to give Evidence, or giving false

Evidence, before such Court, as the Case may be, may be subject: Provided always, that no Person shall be required to attend at any Place more than Miles distant from his Place of Residence, or the Place where he may be residing when summoned, nor unless a sufficient Sum shall have been tendered with the Summons for his reasonable Expenses in going to and returning from the Place stated in the Summons.

President may appoint Arbitrator in certain Cases of Commutation.

CL. If in any Case it shall be proposed under this Act to redeem or commute any Rights of Common, Pasture, Water, Limestone, or other Rights or Easements, the President of the County may, at the Expense of the Applicant, appoint an Arbitrator to ascertain the Value of the Right or Rights proposed to be commuted, and to ascertain in what Manner such Rights may best be redeemed or commuted, or with the Advice of the Assessor, the President may determine thereon as he shall think right: Provided always, that if the Party whose Rights shall be so proposed to be redeemed or commuted, shall be dissatisfied with the Decision of the Arbitrator, or of the President, he may appeal against such Decision to the Superior Courts in Dublin, or to the Assistant Barrister of the County, as the Case may be; and the Decision of the Court in such Case shall be final, and the Costs connected with all the Proceedings shall be in the Discretion of the Court.

No Money to be borrowed by any Council without Assent of President.

CLI. No Money shall be borrowed by any Council under the Provisions of this Act, except with the Consent of the President, who shall be responsible for the Amount borrowed not exceeding the Amount permitted to be borrowed by this Act, and who shall see that the Requirements of this Act in respect of the Repayment of the Principal Sum borrowed, with Interest, are observed; and the President may in all Cases object to the Rate of Interest proposed.

Warrants signed by President shall be in Duplicate; the Copy lodged with the Clerk of the Peace shall be the authentic Copy.

CLII. All Warrants signed by the President of any County, all Documents signed by him purporting to be final Decisions on any Subject, and all Byelaws and Regulations which shall have received his Sanction, shall be engrossed in Duplicate; and in every Case both Copies shall be signed by him, and where herein-before required shall be countersigned by the Assessor and Clerk of the Council of the County; and One of such Copies shall be registered and kept for public Inspection in the Office of the Clerk of the Peace of the Couth; and in case of any Discrepancy between such Copies the Copy so lodged in the Office of the Clerk of the Peace shall be held to be the true Warrant or Document or Copy of the Byelaws, with Power, nevertheless, to the President to correct any Error which may appear

appear in the Copy so lodged and registered; and the Clerk of the Peace shall keep all Documents connected with the same Application together, and he shall make an Index thereof, and all Documents registered shall be entered in the Index relating thereto within *Twenty-four* Hours after their being received by him, and he shall classify the Applications, and shall enter under the Heading of each Application all Documents registered which may be connected therewith, and a separate Index shall be kept by him for the County and for each District within the County.

President to cause certain Documents to be registered.

CLIII. The President of the County shall cause a Copy of all Documents signed by him, which shall have the Effect of a Demise or Transfer of Lands or other Real Property, to be registered in the Office for the Registration of Deeds in Dublin, and a Copy thereof shall also be lodged in the Office of the Clerk of the Peace for the County, which shall be registered by him in the Manner aforesaid.

Powers of President in respect of the Accounts of Undertakers where a Guarantee of Interest shall have been given.

CLIV. In Cases of private Undertaking, where a Guarantee of Interest shall have been given by any Council in respect of the Expenditure of any Undertaking, the Undertakers thereof shall half-yearly lay a Statement of their Accounts before such Council; and if there shall be any Item of Expenditure contained in such Statement which shall appear to such Council to be not in accordance with the Purpose for which the Guarantee was given, the Council may appeal to the President in respect of such Item, who may decide thereon, subject to Appeal by either Party to the Administrative Council; and if the President or the Administrative Council, on Appeal, shall decide against the Item complained of, it shall not be included in the Sum in respect of which Interest can be claimed under the Guarantee; and in any Case where Interest shall be claimed under a Guarantee, the Council that has given such Guarantee may object to any Portion of the Expenditure which shall seem excessive, or not in accordance with the Agreement entered into with the Council, or to be an unnecessary Expenditure, subject to the like Appeal to the President and to the Administrative Council; and in either Case the President or the Administrative Council may determine that any Costs incurred by the Undertakers in respect of such Complaint shall be paid by the Council complaining.

Money lodged by Applicants in respect of private Undertaking to be accounted for.

CLV. To the financial Statements herein-before required to be laid before the several Councils appointed under this Act there shall in every Case be added a separate Statement of all Sums received from Applicants on account of Works of private Enterprise, and of the several Items of Expenditure on account thereof which have been made by Order of the President, and such Accounts shall be signed by the President, and shall be countersigned by his Secretary.

How Applicants or Appellants may withdraw their Applications or Appeals.

CLVI. If an Applicant for any Work, or an Appellant, shall be desirous to withdraw his Application or Appeal, he shall give Notice in Writing of his Wish to do so to the President, who shall give such public Notice thereof as he shall consider sufficient, and shall therein call on all Persons who shall have Claims against the Applicant or Appellant in respect of such Application or Appeal to send a Statement thereof to his Office within a Time stated; and so soon as he shall be satisfied that there are no outstanding Claims, or that all Claims shall have been satisfied, he may repay any Money which shall remain in the Hands of the Treasurer in respect of such Undertaking unexpended, or give up to the Applicant or Appellant the Bonds or Securities which may have been entered into or given.

How Costs to be taxed in private Undertakings.

CLVII. If an Applicant in a private Undertaking shall consider that he has Reason to complain of Costs charged by the Solicitor of the County, such Costs shall be examined and taxed by the President, or he may depute to the Assessor and to *Two* Members of the Council of the County to report thereon, and the President shall give his Decision in accordane with such Report, and the Decision of the President in either Case shall be final.

President may direct Notice of Applications to be published in the London Gazette.

CLVIII. The President in all Cases of private Undertaking may, in addition to the Publication of Applications required by this Act, require such further Publication in the London Gazette, or in any Newspaper circulating within the County, or in any Dublin or London Newspaper, as he shall consider requisite, in order to give Notice of such Application to all Persons who may be affected thereby.

General Provisions.

All Acts now in force and available by Grand Juries shall extend to Councils.

CLIX. All Acts of Parliament in force at the passing of this Act which have enabled the Grand Jury of a County, or any Contractor, or other Person acting on a Presentment by such Grand Jury or under its Authority, to do any Act or Thing in pursuance of or in execution of any Matter or Subject presented by such Grand Jury, shall apply to the several Works or Undertakings or Orders of the Councils of the County or District, and also to all Questions of Costs or Damages or Compensations which may arise in respect of such Works, when not otherwise provided for under the Provisions of this Act: Provided always, that the Maintenance of deserted Children, which has heretofore been paid from local Rates, shall henceforward be provided for by the Board of Guardians of the Union in which the Parish to which such Children were or would have been heretofore chargeable is situated.

How deserted Children are to be provided for.

CLX. All

CLX. All Notices required to be served under this Act may be served by Registered Letter, if the Address of the Party be known, and that it be in the United Kingdom; but if otherwise, the Insertion of the Notice in the Dublin Gazette and in One Newspaper circulating within the County or Counties which may be affected by such Notice shall be sufficient. Notices may be served by Registered Letter.

CLXI. All Maps, Plans, and Sections, either in respect of public Works or private Undertakings, shall be drawn on such a Scale as shall be determined on by the Administrative Council of the Lord Lieutenant to be the general Scale to be used in all Applications to Councils, but different Scales may be determined on by the Council for different Classes of Works; and in all such Maps, Plans, or Sections, where a Margin for Deviation may be required, it shall be shown thereon; and in order to give full Information to the Occupiers whose Lands may be effected by the proposed Work, the full Boundaries of every Field which or any Part of which shall be proposed to be taken by the Undertakers shall be shown on such Maps, Plans, and Sections, as well as any Bridge, Road, Church, Chapel, House, or other Building lying within One hundred Yards of the proposed Work or of any Line of Deviation. The Scale on which Maps, Plans, &c. are to be drawn is to be settled by the Administrative Council.

CLXII. In every Case where an Application shall be made for the Sanction of any Council under this Act for any private Undertaking, in respect of which Rates may be levied off any Town, under the Provisions of any of the above-mentioned Acts of One thousand eight hundred and forty-seven or of this Act, a Copy of the Application, and of all Maps and Documents connected therewith, and a Statement of the Rates or Charges which it is proposed to make in respect of such Undertaking, shall, in addition to the general Notices required under this Act, be lodged by the Applicant with the Postmaster of such Town, and shall remain there for public Inspection for at least Days before such Appliaction shall be taken into consideration; and if the Application shall affect any tidal or navigable River, or the Shores of the Sea or of any Bay or Harbour, a Copy thereof, and of all Documents connected therewith, shall be lodged with the Postmaster of the Town in or nearest to which the Work is proposed to be executed, and another Copy thereof and of all such Documents shall be sent to the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the said Office of Lord High Admiral for the Time being. In certain private Undertakings, Plans, &c. to be lodged with Postmaster of the Town.

CLXIII. In every Case where an Application shall be for any private Undertaking for the Improvement of Lands by Drainage, Irrigation, or otherwise, or for the Reclamation of Waste Lands, or the Embankment Where the Plans are to be lodged with the

nearest Postmaster.

Embankment of Waste of River or Sea, or for any Work of private Enterprise which may be undertaken under the Provisions of this Act, a Copy of the Application and of all Documents connected therewith shall be lodged by the Applicant with the Postmaster of the Town nearest to the Place where such Undertaking is proposed to be executed, to be kept there for public Inspection for such Period of Days as aforesaid; and every Occupier whose Lands shall appear by such Plans to be affected by the Undertaking may require a Copy of such Plans to be supplied to him, without Charrge, by the Undertakers.

Power of Superior Courts over the several Councils.

CLXIV. In order to ensure due Submission of the inferior Councils to the Orders of the President and to the Decisions of the superior Councils, be it enacted, That the President of the County or any superior Council may apply to any of the Superior Courts in Dublin for an Injunction to restrain any inferior Council from doing any Act which the President or the superior Council under this Act has Power to prohibit or suspend, or for an Order to compel such inferior Council to do any Act which under the Provisions of this Act it is required to do in accordance with the Order of the President or of the superior Council; and every Member of such inferior Council shall be personally responsible for any Act which he may do or omit or neglect to do in contravention of such Order or Injunction, as the Case may be; and every Member of an inferior Council who shall have been present at any Decision of the Council which shall be in contravention to the Decision of a superior Council or of such Orders of the President as he is under this Act authorized to issue, and who shall not have required that his Dissent from such Decision should be recorded in the Minutes, and the Clerk who shall have countersigned such Decision, shall each and every one be liable to such Fine not exceeding *Fifty Pounds* as the Court under the Provisions of this Act shall impose, and to all the Costs incurred in consequence of such Proceedings in any of the Superior Courts.

Compensations may be commuted for perpetual Rents.

CLXV. In all Cases of Compensation in respect of Works of private Enterprise where the President of the County shall, with the Advice of the Assessor, consider it right, or when the Parties interested shall desire it, the Compensation to be made to any Person may be commuted for a perpetual Rent, leviable from off the Lands of the Party by whom the Compensation is to be paid; and in such Case the Warrant of such President shall give Power of Entry and of Distress for the Recovery of the Rent reserved, and all other Powers for the Recovery of the commuted Rent as are usually contained in Leases of Lands for the Recovery of the Rents reserved thereby.

CLXVI. Every

Where Councils may desire to alienate Property.

CLXVI. Every Council of a County or of a District shall be empowered to sell or exchange, or let on Lease, or to surrender, whether with Payment of Fine or otherwise, any Real Property which it may hold or be possessed of, provided that the Consent of the President of such County, and of the Lord Lieutenant in the Case of a County Council, or of the President and of the County Council in the Case of a District Council, as the Case may be, shall have been given thereto; and all Proposals for such Alienations or Dispositions of Real Property shall be brought before the several Councils in like Manner as Cases of Application for Works, and similar public Notice thereof shall be given; and when such Proposals shall have been finally approved of, the Deed of Conveyance, or of Lease or Surrender, shall be executed by the Chairman and One Member of the Council, and shall be countersigned by the Clerk, and also be countersigned by the President of the County as approving of it.

Proposals to alienate must be brought before Councils as other Applications.

Fees to be paid to the Councils by Applicants for private Works.

CLXVII. In Cases of private Undertaking, where the Approval and ultimate Sanction of any Application, except it be appealed against, rests with One Council, whether such Council be of a County or District, the Applicant shall, previous to lodging his Application with the County or District Office, pay to the Treasurer of the County or District, as the Case may be, the Sum of *Twenty Pounds*, which shall be dealt with by the Treasurer in the Manner herein-after directed: Provided always, that if the Application shall not be approved of by the Council on the First Consideration thereof, *One Half* of the Sum so paid to the Treasurer shall be repaid to the Applicant.

Fees to District Councils.

CLXVIII. In Cases of private Undertaking, where an Application is by this Act required first to be approved of by a District Council, and to be ultimately sanctioned by the County Council, the Sum of *Ten Pounds* shall be paid in manner aforesaid to the Treasurer of the District; and if the Application be approved of, a like Sum, and in like Manner, shall also be paid to the Treasurer of the County: Provided always, that if the Application is such that by this Act it is required to be laid before more than One District Council, then *Five Pounds* only shall be payable by the Applicant to each District Council.

How such Fees are to be allocated.

CLXIX. The Payments required by the Two previous Clauses shall be carried by the respective Treasurers to the general Credit of the County or District, as the Case may be, and shall not be deemed to form any Portion of the Sum which an Applicant may be required to lodge with the Treasurer in respect of the Expenses which may be

incurred under the Orders of the President, or of any Council, of Expenses which may be incurred under the Orders of the President.

Every Applicant for a private Work shall have an Agent in the County.

CLXX. Every Applicant for a private Undertaking, if he do not reside within the County to which such Application, relates shall with his Application state the Name and Address of some Person or Firm resident within the County who or which shall be his authorized Agent for receiving all Notices or Requisitions.

Administrative Council of the Lord Lieutenant.

Administrative Council of the Lord Lieutenant how to be composed.

CLXXI. For the Purposes of this Act, the Lord Lieutenant of Ireland shall be assisted by a Council, which shall be called the Administrative Council, and shall be composed as follows: The Chief, or, in his absence, the Under Secretary of Ireland, the Lord Chancellor of Ireland, and Two other Judges of the Superior Courts selected by the Lord Lieutenant, the Chairman of the Board of Works, the Chief Poor Law Commissioner, the Presidents of the several Counties, and *Ten* such other Persons as the Lord Lieutenant shall select.

Lord Lieutenant may select a President and Vice-President.
Clerk of Privy Council to act as Clerk of the Administrative Council.

CLXXII. The Lord Lieutenant shall select a President and Vice-President of the Council; but in the Absence of both, the Council may elect a President for the Day; and the Clerk of the Privy Council in Ireland shall act as Clerk of the Administrative Council, and Minutes of all Proceedings of the Council shall be kept by him, and shall be authenticated by the Signature of the President of the Day, and by the Countersignature of the Clerk.

Administrative Council to act as a Court of Appeal;

CLXXIII. The Administrative Council shall act as a Court of Appeal from the Decision of the Inferior Councils, and shall hear and determine all Differences which shall arise between Counties, and all Questions which under the Provisions of this Act may be brought under its Cognizance.

may vary Rules for the Conduct of its Proceedings.
Decision of Administrative Council binding on all other Councils.

CLXXIV. The Council shall, with the Assent of the Lord Lieutenant, frame Rules and Regulations for the Conduct of its Proceedings, and for the Manner in which Applications or Appeals shall be brought before it, and shall give public Notice thereof, and the Decisions of the Council which shall not have been disapproved by the Lord Lieutenant shall be binding on all inferior Councils in all Cases which under the Provisions of this Act are subject to its Cognizance.

CLXXV. The

Lord Lieutenant may dissent. Decisions of Administrative Council to take effect in Seven Days.

CLXXV. The Lord Lieutenant may dissent from any Decision of the Council; and if he shall so dissent, such Decision shall be null and void, but he shall cause a Statement to be entered on the Minutes of the Council of the Motives which have led to his Dissent; and all Decisions of the Council shall take effect in *Seven* Days after the Meeting of the Council, if the Lord Lieutenant shall not in the meantime have dissented from such Decision.

Power of Lord Lieutenant to suspend the Execution of private Works, and to order local Inquiries.

CLXXVI. If it shall appear to the Lord Lieutenant that the public Interests are affected by any private Work undertaken by a Company or otherwise which shall have received the Sanction of One or more Councils, or by any Work of a Kind not heretofore presentable by a Grand Jury, and which it may be proposed to execute at the Charge of any Division, District, or County, he may bring such Work under the Consideration of the Council, as if an Appeal had been lodged against the Work, and the Council may order that the further Prosecution of such Work, or any Proceedings which might otherwise be taken in respect of it, shall be suspended for such Period not exceeding *Forty* Days as it shall consider requisite, and may order such local Inquiries or Surveys to be made as it shall think right, and by such Persons as it shall depute thereto, with such Powers of summoning Witnesses, requiring the Production of Papers, and of administering Oaths, as the Lord Lieutenant may think proper to assign to the Persons so deputed; and if the Council, after such Inquiries shall have been made, shall be of opinion that the Work will be injurious to the public Interests, it shall be lawful for the Lord Lieutenant, if he shall think fit to do so, to issue an Order prohibiting the further Prosecution of such Work: Provided always, that the Costs of all such local Inquiries or Surveys shall be paid for out of any Monies placed at the Disposal of the Lord Lieutenant by Parliament for that Purpose, and shall be charged among the Expenses incurred for the Civil Government of Ireland.

Lord Lieutenant may remove Suspension within Three Years.

CLXXVII. The Lord Lieutenant may, at any Time within *Three* Years after its Issue, withdraw such Order of Prohibition, on the Application of the local Council or Committee which shall have sanctioned the Work, and in such Case the Work may be proceeded with as if no such Order of Prohibition had been issued.

In certain Cases private Application may be made previously to the Administrative Council.

CLXXVIII. When any private Undertaking shall affect Two or more Counties, the Undertakers thereof may, with the Assent of the Lord Lieutenant, apply to the Administrative Council for its Sanction, and in such Case no previous Sanction of any other Council shall be required; and the Administrative Council shall have the same Autho-

rity to decide on, and to empower the Undertakers to execute the Undertaking, as any County or District Council has, under the Provisions of this Act, in respect of a private Undertaking within a County or District; and the Form of Proceeding in respect of such Application to the Council shall be as follows.

Where the Application is to be lodged.

CLXXIX. The Application, and all Plans, Sections, and other Documents connected therewith, together with an Estimate of the Cost thereof, and a List of the Undertakers and of the Sums in respect of which it is proposed that they should be respectively liable, shall be lodged in the Office of the Commissioners of Public Works in Dublin; and Copies of such Application and Plans so lodged, shall be deposited in the Council Office of every County and District directly affected by the Application Days at least before the Meeting of the Council at which the same shall be taken into consideration.

Notice of Application to be published.

CLXXX. Notice of such Application having been made shall be published in the Dublin Gazette within *Seven* Days after the Deposit of the Plans in the Office of the Commissioners of Public Works, and such Notice shall specify the several Counties and Districts in the Council Offices of which Copies of the Plans have been or are intended to be deposited; and a similar Notice shall be inserted in One Newspaper at least, published or generally circulating in every County directly affected by the proposed Work; and the Council of every such County and District shall have Power to report their Opinion of the Undertaking to the Administrative Council.

Lord Lieutenant may order local Inquiries.

CLXXXI. The Lord Lieutenant may direct the Chief Commissioner of Works to have such preliminary Investigations and Inquiries made as shall enable him to report to the Administrative Council thereon.

Administrative Council may approve of the Application, and determine on the Amount of Security which shall be given.

CLXXXII. The Administrative Council may approve of the Application or reject it, as shall seem expedient; and if the Administrative Council shall approve of the Application, it shall determine the Manner in which Security shall be given by the Applicants for the due Performance of the Work, and for the Payment of all Damages, Compensation, and Costs which may be attendant thereon, as well as the Amount of such Security, and shall also determine what Sum shall be lodged by the Undertakers for the Payment of such Expenses as may probably be incurred by the Council in respect thereof.

Copies of Application and Plans to

CLXXXIII. All Undertakers shall, within Days after such Approbation of the Administrative Council, cause Copies of the Application,

Application, Plans, and other Documents lodged in the Office of the Commissioners of Public Works to be deposited in the Office of every Council of a District in or through which, or any Portion whereof, the Work is intended to be executed or carried; and the Undertakers shall also, within Days after such Approbation as aforesaid by the Administrative Council, cause a Notice to be served on every principal Occupier of Lands or Buildings the entire or any Portion of which may be required by them, and also on the several Parties whose Rights in connexion with such Lands and Buildings may be affected by the Work; and such Notice shall specify the Quantity of Land and the Portion of any Buildings which may be required, and shall be accompanied by a Map showing the Position of the Lands or Buildings which the Undertakers may propose to take, and shall state the Place within the District where the Application and the several Plans and Documents connected therewith may be inspected.

Plans to be deposited in Offices of Councils affected by the Work.

Notice to be given to the Occupiers and others affected.

CLXXXIV. The Lord Lieutenant may, at the Cost of the Applicants, cause such Surveys to be made as shall seem to him to be requisite, either to test the Accuracy of the Plans deposited, or, in case of any competing Plans, to enable the Council to decide between them; and he may also, at the Charge of the Applicants, appoint a Barrister of not less than *Seven* Years standing, who shall act as Assessor to the Council in respect of the Application, who shall require Proof to be given to him that all the preliminary Steps required under the Provisions of this Act have been complied with, and also as to the Solvency of the Undertakers, and of the due Execution by the proper Parties to any Deed of Settlement or Partnership, if such there be, in connexion with the proposed Work; and such Assessor shall receive and classify and report on any Memorials for or against the Work, to the Administrative Council; which Memorials, together with any Reports from District Councils which, under the Provisions of this Act, may be made in respect of such Work, shall be deposited in the Office of the Administrative Council; and if any Engineering Question shall arise on such Memorials, such Assessor may, if he shall think fit, transmit such Memorial to the Chief Commissioner of Works, to report thereon.

Lord Lieutenant may order Surveys and local Inquiries, and may appoint an Assessor in respect of the Application.

CLXXXV. The Lord Lieutenant shall, at some Period, not less than Days nor more than Days from the Time at which the Application shall have been approved of by the Administrative Council, again convene the Council; and at such Second Meeting, after hearing Evidence for or against such Undertaking, on Oath or otherwise, as it shall think fit, the Administrative Council shall finally determine whether the Application shall be granted or rejected.

Administrative Council to decide on the Work.

Council may require Alterations of the Plan.

CLXXXVI. The Administrative Council shall have Power to require such Alteration of the Plan or such Additions thereto as it shall consider right and for the public Advantage, and shall have then, or at a subsequent Period, Power to give its Sanction to any Byelaws or Regulations which the Undertakers may require for the Construction, Maintenance, or Regulation of the Works, or the Government of their Officers and Servants, and shall also have Power to regulate any Tolls and Charges which may be made for the Use of or in respect of such Work, and from Time to Time to alter the same.

Council cannot guarantee Interest or Work without Consent of Council affected thereby.

CLXXXVII. The Administrative Council shall not have Power to sanction any Guarantee of Interest, or the Execution of any Portion of the Work by any County or District, without the Consent of the Council of such County or District, as the Case may be.

The Lord Lieutenant to authorize the Commencement of the Work and the Application of certain Acts.

CLXXXVIII. When the Administrative Council shall have finally granted any such Application, the Lord Lieutenant may by Warrant under his Hand authorize the Undertakers to make use of any of the Provisions of the herein-before recited Acts of One thousand eight hundred and forty-five and One thousand eight hundred and forty-seven which may be required for the Execution of such Work; and such Warrants shall specify which and what Parts of any of such Acts the Lord Lieutenant shall authorize to be used in respect thereof.

The Presidents of Counties to report to the Lord Lieutenant on the State of their Counties.

CLXXXIX. The Lord Lieutenant shall direct the several Presidents of Counties to report to him annually on the State of the Counties within their Charge, and such Reports shall be laid before Parliament, with such Observations thereon as the Lord Lieutenant may think proper to annex thereto; and such Reports shall have reference to such Subjects and shall be made in such Form as the Lord Lieutenant shall direct; and for the Purpose of completing their Reports the Presidents shall have Power to call on the Chairman and the several Officers of each District within the County for such Information as they may require.

Agricultural and other Statistics.

CXC. The Administrative Council may, with the Assent of the Lord Lieutenant, make such Orders and Regulations in respect of the obtaining correct agricultural or other Statistics as they shall think right, and such Orders and Regulations shall be observed and followed by the several Councils and Committees of Management; and for the Purpose of obtaining such Statistics, such Officers or Persons, with adequate Salaries, shall be appointed by each Council or Committee of Management as the Lord Lieutenant shall approve of.

CXCI. The

CXCI. The Administrative Council shall have under their Charge the several Lunatic Asylums throughout Ireland, as well as the several Prisons which are maintained, either wholly or in part, by local Rates, and may, with the Assent of the Lord Lieutenant, make Rules and Regulations for the Administration of such Lunatic Asylums and Prisons respectively. Administrative Council to have charge of all Lunatic Asylums and Prisons.

CXCII. The Administrative Council shall have Power to hear Complaints against the Acts of any Commissioner or Commissioners appointed under the Authority of any Act of Parliament for the Execution of Works, the Cost of which is wholly or in part to be repaid by Rates levied locally, and they may order such local Inquiries or Surveys to be made in reference thereto as they are herein-before authorized to order in respect of other Works and Undertakings, and they may make such Decision thereon as the Justice of the Case may seem to require; and such Decision shall be binding on such Commissioners, provided that, within *Twenty* Days after such Decision, the Commissioners of Her Majesty's Treasury shall not have appealed against the Decision of the Administrative Council to One of the Superior Courts of Law in Dublin, whose Decision thereon shall be final. Admnistrative Council to have Power to hear Complaints against the Acts of any Commissioners appointed by the Government for the Execution of any Work the Cost of which is to be repaid by local Levies.

Interpretation Clause.

Repealing Clause.

SCHEDULES.

Fiscal Affairs (Ireland).

A

BILL

To relieve Grand Juries from Fiscal Duties, and to place the Administration of local Affairs in Ireland in elected Councils.

(*Prepared and brought in by Sir Denham Norreys, Mr. Pollard Urquhart, and Mr. Fagan.*)

Ordered, by The House of Commons, *to be Printed,* 26 *February* 1857.

[Bill 31.]

Under 9 *oz.*

(Ireland.)

A

BILL

TO

Amend the Law relating to Grand Juries in Ireland.

Preamble.

WHEREAS it is expedient that the Payers of Cess be represented in Grand Juries in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Sheriff to issue his Precept requiring High Constables to give notice of the Election of the Panel of Special Jurors.

I. Every Sheriff immediately on receiving the Precept appointing the Day for opening the Commission at the next Assizes in his Bailiwick, which shall be duly sent to him not less than *One Month* before the Time for holding such Assizes, shall issue his Precept to every High Constable or other Collector of Money levied by Grand Jury Presentment within his Bailiwick, requiring each of them to give Notice as herein-after provided to the Cesspayers from whom such High Constable or Collector is by Law required, to collect Cess, requiring them to meet at such Time and Place, or in the event of the County being divided as herein-after provided, then at such Time and Places as shall be named in such Precept, to elect a Grand Panel of elected Grand Jurors to serve at the next Assizes for such County as herein-after provided.

High Constables and other Collectors of Cess to give notice to Cesspayers.

II. On receipt of such Precept of the Sheriff as aforesaid, each High Constable or other Collector of Cess shall give public Notice by Advertisement in the Manner accustomed and according to the Provisions of Statute 6 & 7 W. 4. c. 116. sec. 11, to all the Cesspayers within his District, requiring them to meet at the Time and Place or Places contained in the Sheriff's Precept for the Purpose of electing a Panel of elected Grand Jurors to serve at the next Assizes for the County.

Thirty Cesspayers to be elected by the Cesspayers of the County to be the Grand Panel of elected Grand Jurors.

III. Such Meeting or Meetings of Cesspayers for electing a Grand Panel of elected Grand Jurors shall be held not less than . clear Days before the Day on which the Grand Jury are to assemble previous to the Assizes, and the Sheriff or other Person as herein-after provided shall preside at such Meeting; and at such Meeting *Thirty* Cesspayers of the said County shall be elected by the Cesspayers present at such Meeting, by Majority of Votes, to be the Grand Panel of elected Grand Jurors for the said County: Provided, that if the said County be divided as herein-after provided, then at each of the several Meetings to be held for electing the said Panel such Number of Grand Jurors shall be elected as shall have been apportioned for the Division for which such Meeting respectively shall be held.

The Sheriff to return the Panel of elected Grand Jurors with the ordinary Panel, and to empanel the Grand Jury of Twelve elected Jurors and Eleven ordinary Jurors.

IV. The Sheriff shall, after such Election, summon and return the said *Thirty* Cesspayers so elected, together with the ordinary Grand Jurors whom he is required to empannel by Statute 6 & 7 W. 4. c. 116., to attend at the usual Place for holding the Assizes for the County on the Day by the Sheriff appointed, and the Sheriff shall proceed to empannel the Grand Jury for the County in the Manner following; that is to say, he shall first call a Juror from the Grand Panel of Cesspayers elected as aforesaid, and then a Juror from the ordinary Panel, and then alternately from each Panel until he has made up the Number of *Twenty-three*, and such *Twenty-three* Persons so called shall be duly sworn and empannelled, and shall be the Grand Jury for the said County; provided, that if there shall not be present a sufficient Number of the said elected Cesspayers to make up the Number of *Twenty-three* Grand Jurors in the Manner aforesaid, then the Sheriff shall supply the Number requisite from the ordinary Panel.

One Grand Juror to be chosen from each Barony and the rest by Lot.

V. The Sheriff shall, in empannelling the Grand Jury, first call as aforesaid, from either of the said Grand Panels, a Juror resident in each Barony of the County, so that there may be a Juror from each Barony of the County in the County on the Grand Jury, and then the Sheriff shall call as aforesaid the remaining Grand Jurors, drawing their

their Names by Lot alternately out of the Two Grand Panels alternately.

VI. It shall be lawful for the Grand Jury empannelled according to this Act to divide the County into Districts, for the Purpose of the Election of the Grand Panel of Grand Jurors to be chosen by the Cesspayers, and to appoint Places for the said Election, and also to apportion the Number of Persons to be elected by the Cesspayers in each of such Districts, so as to form the Number of *Thirty* Persons to be the Grand Panel of elected Grand Jurors for the said County, and also to appoint the Persons who are to preside at such Elections, in stead and in place of the Sheriff, excepting where the Sheriff shall attend in person to preside at such Election.

Power for the Grand Jury to divide the County and appoint Places for Election of elected Grand Jurors.

VII. It shall not be lawful for any Magistrate to sit or vote at any Presentment Session, unless he be resident within the Barony for which such Session is held; and no Person shall be qualified to serve on any Grand Jury unless he be resident in the County for which such Grand Jury is empannelled, and a Cesspayer of such County.

No Magistrate not resident in the County to vote at Presentment Sessions, and no Person to serve on Grand Jury unless resident in the County.

Grand Juries (Ireland).

A

B I L L

To amend the Law relating to Grand Juries in Ireland.

(*Prepared and brought in by Mr. Bowyer and Mr. Kennedy.*)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1857.

[Bill 26.]

Under 1 *oz.*

3 *March* 1857. 20 Vict.

(Ireland.)

A

B I L L

TO

Amend the Act of the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

Preamble

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His Majesty King William the Fourth, Chapter One hundred and sixteen, intituled "An "Act to consolidate and amend the Laws relating to the Present- "ment of Public Money by Grand Juries in Ireland," great Loss and Inconvenience has arisen to the Public from the Want of proper Contractors to tender at adjourned Road Sessions for the Execution of Works previously sanctioned at the First Sessions: And whereas it is expedient in such Cases to make further Provision for the Repair, Maintenance, and Construction of such Public Works: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When no Contract entered into

I. When any Application for the Repair, Maintenance, or Construction of any Public Work or Road shall have been approved of at

for Works approved of at Sessions, Grand Jury may do so.

Road Sessions, and duly advertised for Tenders in the Manner directed and provided for in the said recited Act, if no proper Contractor shall tender at the adjourned Sessions, or if no Proposal shall be made or accepted for such Work, the Grand Jury at the next Assizes shall have Power and Authority to present, for such Work of Repair, Maintenance, or Construction, any Sum of Money in such Case necessary, not exceeding the Amount approved of at Road Sessions, and to enter into any Contract for its Execution, or, if they shall see fit, to direct the County Surveyor to execute the same, anything in the said recited Act to the contrary notwithstanding.

Treasurer to advance on Certificate of Surveyor any Sum not exceeding that presented for.

II. When any Work shall be given in charge to the County Surveyor for Execution by any Grand Jury under the Authority of the said recited Act or of this Act, the Treasurer of the County shall from Time to Time, in such Manner and under such Regulations as the Grand Jury may direct, out of any Monies in his Hands available for the general Purposes of the County, pay and advance such Sums to Contractors, Artificers, or Workmen as may be duly certified by such Surveyor, not exceeding the Sum presented for such Work as aforesaid, and such Monies so advanced shall be replaced by the Monies raised and levied under said Presentment.

This Act and recited Act to be construed together.

II. This Act and the said recited Act shall be construed as One Act.

Grand Juries (Ireland) Act 1836) Amendment.

A

B I L L

To amend the Act of the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

(*Prepared and brought in by Mr. Magan and Colonel Greville.*)

Ordered, by The House of Commons, *to be Printed,* 3 *March* 1857.

[Bill 34.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law of Imprisonment for Debt, to extend the Remedies of Creditors, and to punish fraudulent Debtors.

WHEREAS it is expedient to extend the Remedies of Creditors, to punish Fraud, and limit the present Power of Arrest for Debts, Damages, Demands, or Costs: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall come into operation on the *Seventh Day after the passing of the same.* Commencement of Act.

II. From and after the *Commencement of this Act*, no Writ of Capias ad satisfaciendum, or other Writ, Process, or Warrant to arrest the Body of any Defendant in any Action or Suit (Actions for Malicious Prosecution, or for Deceit, Libel, Slander, Criminal Conversation, Seduction, Breach of Promise of Marriage, or under the Absconding Debtors' Acts only excepted), shall be issued, founded on any Debt, Judgment, Decree, or Order of any of the Superior Courts of Law or Equity or any Inferior Court in England, nor shall any Writ, Process, or Warrant to arrest the Body of any Plaintiff, Defendant, or other Person in any Action or Suit be issued, founded on any Debt, Judgment, Decree, or Order of any Court of Law or Equity, Except in certain Cases, no Process of Arrest to issue.

Equity, or any Ecclesiastical or other Court, for the Recovery of Costs, or for the Payment of Money, whether consisting wholly or partly of Costs, or otherwise.

Process issued not to be executed.

III. In case any such Writ, Process, or Warrant to arrest the Person (save in any of the Cases excepted) shall have issued before the *Commencement of this Act*, founded on any such Debt, Judgment, Decree, or Order as aforesaid, and shall not have been executed before the Day of *the Commencement of this Act*, such Writ, Process, or Warrant shall not on or after the said Day be executed against the Person of the Defendant or Party against whom the same was issued.

Persons in Custody to be discharged.

IV. In any Case where on the *Day of the Commencement of this Act* any Person is in Custody under or by virtue of any such Writ, Process, or Warrant, founded on any such Debt, Judgment, Decree, or Order as aforesaid, (save in any of the excepted Cases, and save also in all such Cases where any such Person is detained in Custody under an Order of a Commissioner of Bankrupts, or of the Insolvent Debtors Court, or of a Judge of a County Court,) it shall be lawful for the Sheriff, Gaoler, or Officer in whose Custody such Person is detained, and he is hereby, on the Application of such Person, required, to discharge him or her forthwith out of Custody as to such Execution, Writ, Decree, or Order respectively, without Prejudice, nevertheless, to any other Right to detain such Person in Custody for any Cause for which he or she may lawfully be so detained; but, notwithstanding such Discharge, the Judgment, Decree, or Order whereupon the Debtor or Party was taken or charged in Execution or arrested shall nevertheless remain and continue in force, to the Intent that the Judgment Creditor or Person obtaining such Decree or Order may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of such Debtor or Party, in the same Manner and Form as the Creditor or Person obtaining the Decree or Order otherwise might have done in case such Debtor or Party had never been so taken or charged in Execution or arrested.

Persons exempted from Arrest or discharged may be summoned to show Cause why the Debt is not paid.

V. In every Case of a Judgment, Decree, or Order, under or by virtue of which a Defendant or Party might, if this Act had not been passed, be charged in Execution or arrested, and in every Case where any Defendant or Party is discharged from Custody as to any such Execution, Decree, or Order, under or by virtue of this Act, if the Plaintiff or Person who has obtained such Execution, Decree, or Order has not recovered his Demand out of the Goods, Chattels, or Property of such Defendant or Party, in respect of such Judgment, Decree, or Order, as the Case may be, the Plaintiff shall be at liberty to summon such Defendant before a Judge of the County Court or

Bankruptcy Court of the District in which such Defendant shall reside, or before the Court for Relief of Insolvent Debtors or any Commissioner thereof, to show Cause why the Debt or Damages and Costs are not paid, and the Commissioners and Judges of the County Courts, Bankruptcy Courts, or Insolvent Debtors' Court, and each of them, shall have Power to hear and determine the Matter; and the Service of such Summons, and the Proceedings in the Matter, and the Costs of or relating to the same, shall be subject to the like Proceedings and Regulations, so far as the same are applicable, as any Plaint in Case of Debt or Assumpsit in a County Court, save as herein otherwise provided.

Where there is Property fit to be administered under the Insolvent Acts, an Order may issue to vest such Property in the Assignee of Bankrupts or Insolvents Estates.

VI. At the Hearing of such Matter, if such Plaintiff or other Person, or such Defendant or Party, or either of them, appear, the Judge or Commissioner may cause him or her to be examined on Oath, and shall upon such Examination, or upon such other Evidence as is offered, investigate the Amount of the Debts or Demands due or owing by or claimable against or to the Defendant or Party, and the Nature and Amount and Circumstances of any Property, of whatsoever Kind, he or she, or any one in trust for him or her, is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it appear that the said Defendant or Party, or any one in trust for him or her, is possessed of or entitled to Property of any Kind which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against or to such Defendant or Party, and to the Security of his or her several Creditors, ought, in the Opinion of the Court, to be administered under the Provisions of the Acts relating to Bankrupts or Insolvent Debtors, or any of them, then and in such Case such Judge or Commissioner may make an Order that the Property of such Defendant or Party be vested in an Assignee for the Time being of the Estates and Effects of Bankrupts or Insolvent Debtors in England; and a Copy of such Examination and of every such Order shall be transmitted to the Court of Bankruptcy or Insolvent Debtors, and such Order for vesting the Property of such Defendant or Party shall operate and have the same Effect as if the same were made by a Commissioner of Bankrupts or the Court for the Relief of Insolvent Debtors; and thereupon the Assignee of the said Court of Bankruptcy or of Insolvent Debtors shall take possession of the Estate and Effects of such Defendant or Party, in like Manner as if the same had been vested in him by and under a Petition in Bankruptcy or Insolvency; an Order of a Commissioner of Bankrupts, or the said Court for

Relief of Insolvent Debtors; and the said Commissioners of Bankruptcy or of Insolvent Debtors shall proceed in the Case in like Manner as if such Defendant or Party had been duly declared Bankrupt or were a Prisoner within the Walls of a Prison, and as if he or she had petitioned to be discharged from Prison, and such Defendant or Party shall file a Schedule of his or her Debts, Credits, and Property within such Time, or such enlarged Time, as any such Commissioner shall direct; and such Commissioner shall proceed upon such Examination as if the same were the Account or Schedule of the said Defendant or Party filed in the Court for Relief of Insolvent Debtors, either upon his or her own Petition or a Petition of a detaining Creditor to the Court, under the Provisions of the Insolvent Debtors Acts.

Commitments for Non-appearance.

VII. But if such Defendant or Party do not attend as required by such Summons, or do not allege a sufficient Excuse for not attending, or if he or she attend and refuse to be sworn or to disclose any of the Things aforesaid, or if he or she do not make Answer touching the same to the Satisfaction of the Court, or if he or she neglect or refuse to file such Schedule as aforesaid, such Court may from Time to Time order such Defendant or Party to be committed to the Common Gaol or House of Correction of the County, District, or Place in which he or she is resident for any Period not exceeding *Two* Calendar Months, unless he or she sooner submit himself or herself to be examined, or to the Authority of the Court.

Commitment for Concealment, Fraud, &c.

VIII. And if at any such Hearing it appear to the Court, either by the Examination of such Defendant or Party or by any other Evidence, that there is not Property of such Defendant or Party which ought in the Opinion of such Court to be administered under the said Acts relating to Bankrupts or Insolvent Debtors, or that such Defendant or Party is not of sufficient Ability to discharge the Debt or Demand, but that in incurring the Debt or other Liability he or she has obtained Credit under false Pretences or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or has made or caused to be made any Gift, Delivery, or Transfer of any Property, or has charged, removed, or concealed the same, with Intent to defraud his or her Creditors or any of them, then and in any such Case such Court may order such Defendant or Party to be committed to the Common Gaol or House of Correction of the County, District, or Place in which he or she is resident for any Period not exceeding *Six* Calendar Months, unless the Demand be sooner paid, without Prejudice to the Remedies for the Recovery of the Demand out of the Property or Effects of the said Defendant or Party.

IX. If

Execution, Attachments, &c.

IX. If any Debtor in embarrassed Circumstances shall permit or suffer any Creditor to sell all or any Part of his or her Stock, Furniture, Estate, or Effects under Execution, Attachment, or otherwise (except under Distress for Rent), to the Prejudice or Injury of other Creditors, and a Vesting Order shall be made of his or her Estate and Effects within *Three* Months from the Time of such Sale, such Debtor shall be deemed guilty of Fraud, and shall be liable to Imprisonment by a Judge or Commissioner of Bankrupt or Insolvent Debtors Court, with or without Hard Labour, for any Term not exceeding *Two* Years, as to the Court in its Discretion shall seem meet, and the said Judge or Commissioner are hereby authorized and empowered to inflict any such Punishment accordingly.

Persons embarrassed may file a Petition for a Vesting Order.

X. Any Person in embarrassed Circumstances shall, after the *Commencement of this Act*, be at liberty to present a Petition to the Court for Relief of Insolvent Debtors, praying that a Vesting Order of his or her Estate and Effects may be forthwith made, and the said Court shall and may in all such Cases make such Vesting Order accordingly, and also all other Orders that may be necessary in each such Case, and Rules for carrying the same into effect, under the Provisions of the Act of Parliament of the First and Second Victoria, Chapter One hundred and ten, in like manner (mutatis mutandis) as such Court has now the Power to do in the Cases of Persons in actual Custody in Prison; and where such Court shall make an Order of Reference of any such Case to a County Court Judge, which after the *Commencement of this Act* such Court shall have Power to do in like Manner as is provided by the Tenth and Eleventh Victoria, Chapter One hundred and two, Section Ten, such Judge shall and may hear and determine all such Cases in like Manner as aforesaid; and the said Commissioners and Judges shall possess Power to commit any such Debtor to Prison for Fraud or Misconduct under the Seventy-sixth, Seventy-seventh, and Seventy-eighth Sections of the said first-mentioned Act, for such Period as is limited by the said Sections respectively.

Committal for Fraud or Misconduct.

Proof of Debt.

XI. After a Vesting Order has been made in the Insolvent Debtors Court, or in the Court of Bankruptcy, all Debts may be proved by Proxy or Agency, and it shall be hereby lawful for the Creditor, by himself, his Clerk or Agent, at any Time to prove his Debt by filing in the Courts of Insolvency or Bankruptcy an Affidavit, solemn Declaration, or Affirmation thereof duly made, and the same shall be received by the said Courts as due Proofs of such Debt in all Cases, unless such Debt shall be disputed by any other Creditor or Debtor, or the said Courts shall require further Proofs thereof; and after due Proof of Debt by any Creditor he shall be at liberty to vote in the

Choice of Assignees, or by his Attorney or Agent duly authorized in Writing.

Where a Defendant is about to quit England he may be arrested by special Order.

XII. In any Action in any Court, or in any Case in which a Judgment, Decree, or Order of any Court has been had or obtained, where the Defendant or Party against whom such Action is brought, or such Judgment, Decree, or Order is had or obtained, might, if this Act had not been passed, be or have been charged in Execution or arrested, if the Plaintiff or Person bringing such Action, or obtaining such Judgment, Decree, or Order, show, by the Affidavit of himself or of some other Person, or by other Proof to the Satisfaction of such Court, that there is probable Cause for believing that such Defendant or Party, or any one of any such Defendants or Parties, is about to quit England, unless he be forthwith arrested or charged in Execution, it shall be lawful for such Court upon the Hearing of the Case to grant an Execution, Order, or Decree, as the Case may be, against the Person of the Defendant, or (in the Case of an Execution, Decree, or Order having been theretofore had or obtained,) by a special Order to direct that such Defendant or Party shall be arrested or charged in Execution under such Judgment, Decree, or Order as aforesaid; and thereupon it shall be lawful for the Plaintiff or Person obtaining such Judgment, Decree, or Order to arrest or charge in Execution the said Defendant or Party against whom the same was obtained, in like Manner as such Defendant or Party might have been arrested or charged in Execution if this Act had not been passed; but in the Case of any such special Order for Arrest in Execution as last aforesaid obtained in respect of a Judgment, Decree, or Order theretofore obtained, it shall be lawful for the Person so arrested or charged in Execution to apply within *Twenty-four* Hours, and before he is committed to Prison, to be taken before a Judge or Commissioner of Bankruptcy, when the Plaintiff shall show Cause why the Party arrested under such special Order as aforesaid should not be discharged out of Custody; and it shall be lawful for such Court thereupon, or upon Examination of the Parties or either of them, or of Witnesses, to make such other Order thereon as to such Court may seem fit, or to direct the Costs of such Application and Arrest to be paid by either Party; but if thereupon the Party arrested be discharged, such Discharge shall be without Prejudice to any Remedies for the Recovery of the Plaintiff's or Party's Demand, if any, out of the Property or Effects of the Defendant or Person so discharged, and the Execution, Writ, Decree, or Process against the Person may be changed to an Execution, Writ, Decree, or Process against such Property or Effects.

Re-vesting Order.

XIII. In order to obviate Difficulties which have heretofore arisen, and may hereafter arise, under the Ninety-second Section of the Act of

of Parliament of the First and Second Victoria, Chapter One hundred and ten, it shall be lawful for the Court for Relief of Insolvent Debtors, if it shall so think fit, after the *Commencement of this Act*, upon Application duly made, to order that all Property remaining vested or that shall hereafter become vested in the Provisional or other Assignee in the Case of any Insolvent Debtor either upon his or her own Petition or upon the Petition of a detaining Creditor, shall be re-vested in the said Insolvent Debtor, or his or her Heirs, Executors, Administrators, or Assigns, notwithstanding he or she shall not have filed a Schedule or received an Adjudication under the said Act: Provided that no such re-vesting Order shall be made until after such Notice shall be given in the London Gazette, and in such other Newspapers as the said Court shall direct, and no sufficient Cause shall be shown to the contrary.

Future Property.

XIV. After the *Commencement of this Act* an Adjudication under the Act of the First and Second Victoria, Chapter One hundred and ten, and a final Order under the Acts commonly called "The Protection Acts," shall respectively protect all the after-acquired Real and Personal Property of an Insolvent Debtor against Assignees, in like Manner as a Certificate of Conformity now protects a Bankrupt's future Property; but such Adjudication or final Order shall not be a Bar to the Rights of Assignees in respect of any such Real or Personal Property as shall or may revert, descend, or be devised or bequeathed to any such Insolvent Debtor.

Limitation of Imprisonment under County Courts Acts.

XV. After the *Commencement of this Act* no Judge of a County Court shall possess Power to commit a Defendant to Prison under the Provisions of the County Courts Acts oftener than *twice* upon any Judgment obtained by One and the same Creditor or for One and the same Debt, where such Debt shall not exceed Twenty Pounds, nor oftener than *Three* Times where the Debt shall exceed Twenty Pounds and not exceed Fifty Pounds; it being the true Intent, Meaning, and Policy of this Act that no Debtor shall be deprived of Liberty by a County Court Judge, in the former Case for any Period or Periods altogether exceeding *Three* Calendar Months, nor in the latter Case for any Period or Periods altogether exceeding *Six* Calendar Months: Provided that this Clause shall have a retrospective Effect, and that any Creditor shall be at liberty to obtain a Vesting Order and proceed thereon against his Debtor under the Fifth and Sixth Sections of this Act, notwithstanding such Debtor may heretofore have been imprisoned at the Suit of such Creditor under the Provisions of the County Courts Acts, or One of them.

Proviso that Creditors may proceed under the Fifth and Sixth Sections of this Act.

Appeal.

XVI. Any Insolvent Debtor aggrieved by any Order of the Court for Relief of Insolvent Debtors, or any Commissioner thereof, or of any

any County Court Judge, shall, after the *Commencement of this Act*, be at liberty to appeal against the same in like Manner as a Bankrupt may now appeal against the Judgment of a Commissioner in Bankruptcy, under the Provisions of the Act of Parliament of the Twelfth and Thirteenth Victoria, Chapter One hundred and six, Section Two hundred and six.

Act not to extend to Proceedings relating to Revenue.

XVII. Nothing in this Act contained shall extend or apply to or affect or prejudice any Information or other Proceeding under any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office.

Imprisonment for Debt.

A

B I L L

To amend the Law of Imprisonment for Debt, to extend the Remedies of Creditors, and to punish fraudulent Debtors.

(Prepared and brought in by Mr. Pellatt and Mr. Hadfield.)

Ordered, by the House of Commons, *to be Printed, 5 February* 1857.

[Bill 4.]

Under 1 *oz.*

A

BILL

TO

Reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.

Preamble. 16 & 17 Vict. c. 34. 17 & 18 Vict. c. 24. 18 & 19 Vict. c. 20.

WHEREAS under and by virtue of the several Acts now in force relating to the Income Tax certain Rates of Duty have been granted for and in respect of all Property, Profits, and Gains in the said Acts specified, and the aggregate Amount of such Rates chargeable for the Year commencing from the Fifth Day of April One thousand eight hundred and fifty-seven is the Rate of One Shilling and Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively, subject to certain Deductions, Abatements, and Relief in the several Cases in the said Acts specified: And whereas it is expedient to reduce the said Rates of Duty for the Year commencing as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Reduced Rate of 7*d.* in the Pound to be charged for the Year commencing from the 5th April 1857.

I. In lieu of the Rates of Duty chargeable under the several Acts in force relating to the Income Tax for the Year commencing from the *Fifth Day of April One thousand eight hundred and fifty-seven*, there shall be charged, raised, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and in respect of all Property, Profits,

Profits, and Gains chargeable under the said several Acts, the reduced Rate of *Sevenpence* for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains; subject to a further Reduction of the Rates now in force, in the same Proportion that the Rate of *Sevenpence* bears to the Rate of One Shilling and Fourpence, in the several Cases mentioned or referred to in the Second Section of the Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty: Provided nevertheless, that where under the last-mentioned Enactment any Person is now chargeable with the Rate of Elevenpence Halfpenny for every Twenty Shillings of his Profits and Gains, he shall be chargeable, for the Year commencing as aforesaid, at the Rate of *Fivepence* for every Twenty Shillings of his Profits, and Gains.

Income Tax.

A

BILL

To reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.

(*Prepared and brought in by The Chancellor of the Exchequer, Viscount Palmerston, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 6 *March* 1857.

[Bill 37.]

Under 1 *oz.*

Industrial Schools Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation Clause; 2.

Certifying and Inspection of Schools; 3, 4.

Certain Children may be arrested and brought before Justices; 5, 6.

Child to be fed and lodged during Detention; 7.

Justices may require Security for Child's good Behaviour; and in default of Security, may order Child to be sent to a Certified Industrial School; 8, 9, 10.

Parent may (under Conditions) choose School; 11.

Children charged with Offences against Police Acts may be sent to Certified Industrial School; 12.

Depraved Children may be sent to Reformatory School; 13.

Duplicate of Order to be given to Managers of School; 14.

Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School; 15, 16, 17, 18.

Order for Maintenance of Child at School to be made on Union where he was taken into Custody; 19.

Parents may be ordered to reimburse Guardians; 20.

Parents Payment may be diminished or increased; 21.

Recovery against Guardians; 22.

Managers may permit Children to sleep out of School; 23.

Penalties on Children absconding from School; 24.

Penalties on Persons inducing Children to abscond or harbouring them; 25.

Children sent to Reformatories under this Act to be subject to Reformatory Acts; 26.

Recovery of Penalties for Offences; 27.

Service of Notices; 28.

Forms in Schedule may be used; 29.

Extent of Act; 30.

SCHEDULE.

A

B I L L

TO

Make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

WHEREAS Industrial Schools for the better training of poor and neglected Children who are in danger of becoming Criminals have been and may be established by voluntary Contributions in various Parts of England, and it is expedient that more extensive Use should be made of such Institutions, and that the Responsibility of Parents to provide for the proper Care of their Children should be enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation Clause.

"Secretary of State" shall mean any One of Her Majesty's Principal Secretaries of State for the Time being: "Secretary of State:"

"Police:" "Police" shall include every Policeman, Police Constable, Parish Constable, Tythingman, or Headborough:

"Justices:" "Justices" shall include any Stipendiary Magistrate, and also any Two or more Justices of the Peace acting together, and also any Stipendiary Magistrate, Lord Mayor, or Alderman of the City of London, who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace:

"Child:" "Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of *Five* and under the Age of *Fourteen*:

"Certified Industrial School:" "Certified Industrial School" shall mean any School or Institution certified under this Act:

"Reformatory School:" "Reformatory School" shall mean any School or Institution certified under the Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-six:

"Managers:" "Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any School:

"Parent:" "Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed:

"Security:" "Security" shall mean a Recognizance, with or without Surety or Sureties in the Discretion of the Justices, and in such Amount as they shall think sufficient.

"County:" "County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace:

"Night:" "Night" shall include the Hours between Nine at Night and Six in the Morning:

"Common Fund:" "Common Fund" shall include the Common Fund of any Union, and the Poor's Rate of any Parish not comprised in any Union:

"Guardians," "Union," "Workhouse." "Guardians," "Union," and "Workhouse" shall have the Meanings assigned to them respectively in the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, Section One hundred and nine; provided always, that for the Purposes of this Act the Word "Union" shall also include any Parish not comprised in any Union, and the Word "Guardians" shall also include the Overseers of any Parish or Place maintaining its own Poor, and not comprised in any Union, and not governed by a Board of Guardians.

III. The

Secretary of State may certify any Industrial School.

III. The Secretary of State may, upon the Application of the Managers of any School, direct such Person as he may appoint to examine and report to him upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under his Hand and Seal to the Managers thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six.

17 & 18 Vict. c. 86.

Inspector to report annually to Secretary of State.

IV. The Secretary of State shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to him at least once in each Year by such Person as he may appoint; and if, upon his Report, the Secretary of State is dissatisfied with the Condition or Regulations of the School, he may withdraw his Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice.

Secretary of State may withdraw his Certificate.

Police may take certain Children into Custody.

V. The Police may take into Custody any Child who may be found begging, and also any Child who may be found wandering in the Streets or Highways, or sleeping therein at Night, and not having any Home or settled Place of Abode, or proper Guardianship, or any lawful or visible Means of Subsistence.

Child may be detained Forty-eight Hours while Inquiries are being made.

VI. The Police shall forthwith, or at the earliest Opportunity, bring any Child taken into Custody as aforesaid before a Justice of the Peace, who may direct due Inquiries to be made and Notice (Form) to be given to the Parent of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, and to the Guardians of the Union in which the Child was taken into Custody, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice, and may order the Child to be detained in the Workhouse of the Union in which he was taken into Custody, or in some other proper Place, not being a Prison, for any Period not exceeding *Forty-eight* Hours, while any Inquiries that he may deem necessary are being made.

Child to be lodged and fed during such Detention.

VII. The Master of the Workhouse shall receive and detain the Child, and provide him with proper Food during his Detention; and any other Person whom the Justice may order to receive and detain the Child shall be entitled, by virtue of the Order, to receive and detain him for the Period authorized at such Charge as the Justice

may in his Order determine, and shall be reimbursed by the Guardians of the Union in which the Child was taken into Custody.

Justice may require Security for the Child's good Behaviour.

VIII. At the Time and Place mentioned in the Notice any Justices may make full Inquiry into the Matter, and may require Security (Form) to be given for the proper Care and good Behaviour of the Child for any Period not exceeding *Twelve* Calendar Months, and, in default of Security, may, by Writing under their Hands and Seals (Form), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School the Managers of which are willing to receive him.

In certain Cases Security shall be accepted.

IX. The Justices, on the first Occasion of any Child being brought before them, shall accept the Security of the Parent in any Sum not less than *One* Pound, nor exceeding *Five* Pounds, and, if Security is not offered by the Parent, shall accept the Security of the Guardians of the Union in which the Child was taken into Custody, provided that they are the Guardians of a Union which contributes to the Support of a District Union School, or of a Union which supports a School detached from the Workhouse, and are willing to stipulate that the Child shall be taken into such School respectively.

In certain cases Security may be increased or entirely refused.

X. If Security is offered by any Person other than the Parent or such Guardians respectively, or if the Child is brought before the Justices for a Second Offence, the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether.

Parent may (under Conditions) have Child sent to School which he approves.

XI. If the Parent at the Time of making any such Order, or within *Fourteen* Days afterwards, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and pays or finds good Security to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order the Child to be sent to the Certified Industrial School proposed by the Parent.

Children charged with Offences against any Police Act may be sent to a Certified Industrial School.

XII. When any Child is brought before a Justice on a Charge of Begging or Vagrancy under the Provisions of any local or general Police Act, the Justices, instead of sentencing the Child to Punishment under such Police Act, may order him to be sent to a Certified Industrial School under this Act, and this Act shall for such Purpose be deemed to be incorporated with such Police Act; provided always, that

that all the Powers of Apprehension and Detention contained in any such Police Act shall continue in full Force and Effect, anything in this Act provided to the contrary notwithstanding.

Children, Associates of Thieves, &c. may be sent to a Reformatory School instead of to a Certified Industrial School.

XIII. If any Child who has been taken into Custody as aforesaid is proved to be an Associate of Thieves, or of Persons of notoriously bad Character, or to be given to depraved or vicious Habits, the Justices, instead of sending him to a Certified Industrial School, may, by Writing under their Hands and Seals (Form), order him to be sent to any Reformatory School the Managers of which are willing to receive him.

Duplicate of Order to be given to Managers, and to be sufficient Warrant for Detention of Child.

XIV. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School or to a Reformatory School shall be sent to the Managers thereof respectively, and shall be a sufficient Warrant for the Detention of the Child.

Child may be discharged from School if Employment has been found for him.

XV. On the Application of the Parent or of the Managers or of the Guardians, upon whom any Order for Payment as herein-after provided is in force, any Justices of the County in which the School is situate, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge the Child from the Certified Industrial or Reformatory School before the full Expiration of the Period for which he has been sent there.

Child may be discharged on good Security being found.

XVI. On good Security being at any Time found by the Parent or by any Guardians entitled to offer Security under Section Nine of this Act, and upon whom any Order for Payment as herein-after provided is in force, any Justices of the County in which the Certified Industrial or Reformatory School to which the Child has been sent is situate shall order the Child to be discharged therefrom.

Child not to be detained when Fifteen Years old.

XVII. No Child shall be detained in any Certified Industrial or Reformatory School under this Act beyond the Age of *Fifteen* Years against his Consent.

Secretary of State may remove Child to another School.

XVIII. The Secretary of State may at any Time with the Consent of the Managers order the Removal of any Child from one Certified Industrial School to another, and from one Reformatory School to another, or from a Certified Industrial to a Reformatory School, or from a Reformatory to a Certified Industrial School, or may order him to be discharged altogether.

Order for Maintenance to be made on Union wherein Child taken into Custody.

XIX. When the Justices order any Child to be sent to a Certified Industrial School or to a Reformatory School under this Act they shall, at the same Time, by Writing under their Hands and Seals (Form), order the Guardians of the Union in which the Child was taken into Custody to pay out of the Common Fund of the Union a weekly Sum not exceeding *Three Shillings* to the Managers or to any Person authorized by them from Time to Time to receive it, until the Child attains the Age of *Fifteen* Years, or is lawfully discharged, and also any Charges and Expenses incurred respecting the Child, and also the Expences of conveying the Child to School.

On Application of Guardians the Parent may be summoned, and ordered to pay according to his Ability.

XX. Any Justices of the County where such Order is made or where the Parent is residing respectively may, upon the Application of the Guardians upon whom the Order is in force, summon the Parent and examine into his Circumstances, and in their Discretion may order him to pay to the Guardians the Amount of such weekly Payment or such Portion thereof as they think fit, and also any Instalments which may have been paid by the Guardians, and also any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School; and on default of Payment for the Space of *Fourteen* Days the same shall be recoverable as herein-after provided.

Parents Payment may be diminished or increased.

XXI. The Parent or the Guardian or the Managers may at any Time apply to any Justices of the County in which the School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding *Three Shillings* per Week, and the Justices on Proof that the Parent or the Guardians or the Managers have given to each other (as the Case may be) not less than *One* Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether; provided always, that the Parent shall not in any Case be ordered to pay a larger weekly Sum than the Guardians have been ordered to pay.

Sums unpaid by Guardians for 14 Days to be recoverable as Penalties under 4 & 5 W. 4. c. 76.

XXII. Any Sum ordered to be paid as aforesaid by the Guardians shall, in case of Default for the Space of *Fourteen* Days, be recoverable in like Manner as any Penalty or Forfeiture is recoverable from any Guardians under any of the Provisions of the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, and of any Acts amending the same.

XXXIII. The

Managers may permit Children to sleep out of School.

XXIII. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the School.

Children absconding, &c. may be sent back to the School or to a Reformatory School.

XXIV. If any Child who, whether lodging in the School or elsewhere, before attaining the Age of *Fifteen* Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal (Form) order him to be sent back to the School, or may order him to be sent to any Reformatory School the Managers of which are willing to receive him, and to be detained there until he attains the Age of *Fifteen* Years, or for such shorter Period as the Justices think fit.

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XXV. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, or to neglect his Attendance there, previous to his attaining the Age of *Fifteen* Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding *Five* Pounds.

Children sent to Reformatories to be subject to 17 & 18 Vict. c. 86.

XXVI. When a Child has been admitted into a Reformatory School under any of the Provisions of this Act he shall in all respects, except as to the Payment for his Maintenance, be subject to the Provisions of the Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-six, and of the Acts amending the same; provided always, that the Child shall not be liable to be detained in such Reformatory School beyond the Age of *Fifteen* Years without his Consent: Provided also, that the Guardians upon whom any Order for Payment is in force, and the Parent, unless he is clearly proved to have been cognizant of or a Party to the Offence for which the Child is so sent to the Reformatory School, shall not in consequence of his being sent there be liable in any greater weekly Sum than he would have been liable in if the Child had been sent to or had remained in the Certified Industrial School.

Recovery of Penalties for Offences.

XXVII. Any Offence for which a pecuniary Penalty or Forfeiture is imposed by this Act, the Recovery of which is not otherwise herein provided for, shall and may be heard and determined by any Justice in or near the Place where the Offence is committed, or

where the Offender may at the Time being happen to be, and shall, together with the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in England or Wales under the Provisions of an Act passed in the Twelfth Year of Her present Majesty, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales, with respect to summary Convictions and Orders."

Service of Notices.

XXVIII. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed, or, if directed to any Guardians, if left at the Residence of the Clerk to the Guardians, or of the Relieving Officer, shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where the Parent is ascertained to be residing at a greater Distance than Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as aforesaid, and sent by the Post, and such Posting shall be deemed a good and sufficient Service thereof.

Forms in Schedule may be used.

XXIX. The several Forms in the Schedule to this Act annexed, or any Forms to the like effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Act not to extend to Ireland or Scotland.

XXX. This Act shall not extend to Ireland or Scotland.

SCHEDULE.

Industrial Schools.

A

B I L L

To make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

(*Prepared and brought in by Sir Stafford Northcote, Mr. Adderley, and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1857.

[Bill 11.]

Under 2 oz.

Industrial Schools Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation Clause; 2.

Certifying and Inspection of Schools; 3, 4.

Children taken into Custody may be remanded while Inquiry is made; 5.

Power to commit under certain Acts; 6.

Justices may require Security for Child's good Behaviour; and in default of Security, may order Child to be sent to a Certified Industrial School; 7, 8, 9.

Parent may (under Conditions) choose School; 10.

Duplicate of Order to be given to Managers of School; 11.

Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School; 12, 13, 14, 15.

Order for Maintenance of Child at School to be made on Union where he was taken into Custody; 16.

Parents may be ordered to reimburse Guardians; 17.

Parents Payment may be diminished or increased; 18.

Recovery against Guardians; 19.

Managers may permit Children to sleep out of School; 20.

Penalties on Children absconding from School; 21.

Penalties on Persons inducing Children to abscond or harbouring them; 22.

Recovery of Penalties for Offences; 23.

Service of Notices; 24.

Forms in Schedule may be used; 25.

Extent of Act; 26.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

WHEREAS Industrial Schools for the better training of poor and neglected Children who are in danger of becoming Criminals have been and may be established by voluntary Contributions in various Parts of England, and it is expedient that more extensive Use should be made of such Institutions, and that the Responsibility of Parents to provide for the proper Care of their Children should be enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation Clause.

"Secretary of State" shall mean any One of Her Majesty's Principal Secretaries of State for the Time being: "Secretary of State:"

"Police:" "Police" shall include every Policeman, Police Constable, Parish Constable, Tythingman, or Headborough:

"Justices:" "Justices" shall include any Two or more Justices of the Peace acting together, and also any Police Magistrate, Lord Mayor, or Alderman of the City of London, and also any Stipendiary Magistrate, who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace:

"Child:" "Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of *Five* and under the Age of *Fourteen:*

"Certified Industrial School:" "Certified Industrial School" shall mean any School or Institution certified under this Act:

"Managers:" "Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any School:

"Parent:" "Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed:

"Security:" "Security" shall mean a Recognizance, with or without Surety or Sureties in the Discretion of the Justices, and in such Amount as they shall think sufficient.

"County:" "County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace:

"Night:" "Night" shall include the Hours between Nine at Night and Six in the Morning:

"Common Fund:" "Common Fund" shall include the Common Fund of any Union, and the Poor's Rate of any Parish not comprised in any Union:

"Guardians," "Union." "Guardians" and "Union" shall have the Meanings assigned to them respectively in the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, Section One hundred and nine; provided always, that for the Purposes of this Act the Word "Union" shall also include any Parish not comprised in any Union, and the Word "Guardians" shall also include the Overseers of any Parish or Place maintaining its own Poor, and not comprised in any Union, and not governed by a Board of Guardians.

Secretary of State may certify any

III. The Secretary of State may, upon the Application of the Managers of any School in which Industrial Training is provided, and

and in which Children are fed as well as taught, direct such Person as he may appoint to examine and report to him upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under his Hand and Seal to the Managers thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six. Industrial School. 17 & 18 Vict. c. 86.

IV. The Secretary of State shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to him at least once in each Year by such Person as he may appoint; and if upon his Report, the Secretary of State is dissatisfied with the Condition or Regulations of the School, he may withdraw his Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice. Inspector to report annually to Secretary of State. Secretary of State may withdraw his Certificate.

V. When any Child is taken into Custody on a Charge of Begging or Vagrancy under any Local or General Act, the Justices may remand him for any Period not exceeding One Week, and may direct due Inquiries to be made and Notice (Form A.) to be given to the Parent of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, and to the Guardians of the Union in which the Child was taken into Custody, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice. Children taken into Custody for Begging or Vagrancy may be remanded while Inquiries are being made.

VI. Nothing in this Act contained shall restrain the Justices from dealing with the Child under the Provisions of such Local or General Act as aforesaid, or under the Provisions of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-two, or of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six, and the Acts amending the same respectively, instead of under this Act, in any Case in which they may think it expedient. Power to commit under other Acts.

VII. At the Time and Place mentioned in the Notice any Justices may make full Inquiry into the Matter, and may require Security (Form B.) to be given for the proper Care and good Behaviour of the Child for any Period not exceeding *Twelve* Calendar Months, and, in default of Security, may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School the Managers of which are willing to receive him. Justice may require Security for the Child's good Behaviour.

In certain Cases Security shall be accepted.

VIII. The Justices, on the first Occasion of any Child being brought before them, shall accept the Security of the Parent in any Sum not less than *One* Pound nor exceeding *Five* Pounds, and, if Security is not offered by the Parent, shall accept the Security of the Guardians of the Union in which the Child was taken into Custody, provided that they are the Guardians of a Union which contributes to the Support of a District Union School, or of a Union which supports a School detached from the Workhouse, and are willing to stipulate that the Child shall be taken into such School respectively.

In certain cases Security may be increased or entirely refused.

IX. If Security is offered by any Person other than the Parent or such Guardians respectively, or if the Child is brought before the Justices for a Second Offence, the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether.

Parent may (under Conditions) have Child sent to School which he approves. (Form D.)

X. If the Parent at the Time of making any such Order, or within *Fourteen* Days afterwards, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and pays or finds good Security to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order the Child to be sent to the Certified Industrial School proposed by the Parent.

Duplicate of Order to be given to Managers, and to be sufficient Warrant for Detention of Child.

XI. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

Child may be discharged from School if Employment has been found for him. (Form E.)

XII. On the Application of the Parent, or of the Managers, or of the Guardians upon whom any Order for Payment as herein-after provided is in force, any Justices of the County in which the School is situate, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there.

Child may be discharged on good Security being found. (Form F.)

XIII. On good Security being at any Time found by the Parent or by any Guardians entitled to offer Security under Section Nine of this Act, and upon whom any Order for Payment as herein-after provided is in force, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate shall

shall order the Child to be discharged therefrom; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or forfeited.

Child not to be detained when Fifteen Years old.

XIV. No Child shall be detained in any Certified Industrial School under this Act beyond the Age of *Fifteen* Years against his Consent.

Secretary of State may remove Child to another School.

XV. The Secretary of State may at any Time with the Consent of the Managers order the Removal of any Child from one Certified Industrial School to another, or may order him to be discharged altogether.

Order for Maintenance to be made on Union wherein Child taken into Custody.

XVI. When the Justices order any Child to be sent to a Certified Industrial School under this Act they shall, at the same Time, by Writing under their Hands and Seals (Form G.), order the Guardians of the Union in which the Child was taken into Custody to pay out of the Common Fund of the Union a weekly Sum not exceeding *Three Shillings* to the Managers or to any Person authorized by them from Time to Time to receive it, until the Child attains the Age of *Fifteen* Years, or is lawfully discharged, and also any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School.

On Application of Guardians the Parent may be summoned, and ordered to pay according to his Ability.

XVII. Any Justices of the County where such Order is made or where the Parent is residing respectively may, upon the Application of the Guardians upon whom the Order is in force, summon the Parent and examine into his Circumstances, and in their Discretion may order him to pay to the Guardians the Amount of such weekly Payment or such Portion thereof as they think fit, and also any Instalments which may have been paid by the Guardians, and also any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School, and also the Costs of such Application; and on default of Payment for the Space of *Fourteen* Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

Parents Payment may be diminished or increased. (Forms I. and K.)

XVIII. The Parent or the Guardians or the Managers may at any Time apply to any Justices of the County in which the School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding *Three Shillings* per Week, and the

Justices, on Proof that the Parent or the Guardians or the Managers have given to each other (as the Case may be) not less than *One* Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether; provided always, that the Parent shall not in any Case be ordered to pay a larger weekly Sum than the Guardians have been ordered to pay.

Sums unpaid by Guardians for 14 Days to be recoverable as Penalties under 4 & 5 W. 4. c. 76.

XIX. Any Sum ordered to be paid as aforesaid by the Guardians shall, in case of Default for the Space of *Fourteen* Days, be recoverable in like Manner as any Penalty or Forfeiture is recoverable from any Guardians under any of the Provisions of the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, and of any Acts amending the same.

Managers may permit Children to sleep out of School.

XX. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the School.

Children absconding, &c. may be sent back to the School.

XXI. If any Child, whether lodging in the School or elsewhere, before attaining the Age of *Fifteen* Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal (Form) order him to be sent back to the School, and to be detained there until he attains the Age of *Fifteen* Years, or for such shorter Period as the Justices think fit.

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XXII. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, or to neglect his Attendance there, previous to his attaining the Age of *Fifteen* Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding *Five* Pounds.

Recovery of Penalties for Offences.

XXIII. Any Offence for which a pecuniary Penalty or Forfeiture is imposed by this Act, the Recovery of which is not otherwise herein provided for, shall and may be heard and determined by any Justice in or near the Place where the Offence is committed, or where

where the Offender may at the Time being happen to be, and such Penalty or Forfeiture shall, together with the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in England or Wales under the Provisions of an Act passed in the Twelfth Year of Her present Majesty, intituled "An Act to facilitate the Performance of the "Duties of Justices of the Peace out of Sessions within England "and Wales, with respect to summary Convictions and Orders."

Service of Notices.

XXIV. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed, or, if directed to any Guardians, if left at the Residence of the Clerk to the Guardians, or of the Relieving Officer, shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where the Parent is ascertained to be residing at a greater Distance than Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as aforesaid, and sent by the Post, and such Posting shall be deemed a good and sufficient Service thereof.

Forms in Schedule may be used.

XXV. The several Forms in the Schedule to this Act annexed, or any Forms to the like effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Act not to extend to Ireland or Scotland.

XXVI. This Act shall not extend to Ireland or Scotland.

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To *C.B.* of the Parish of , and to the Guardians of the Union [*or* Overseers of the Poor of the said Parish of in the County of]:

I HEREBY give you Notice, pursuant to Section 5, of the "Industrial Schools Act, 1857," that a Child named *A.B.*, apparently about Years of Age, the Son of [*or* who has been residing with] you the said *C.B.*, has been taken into Custody for having been on the Day of in the Parish of in the said Coun tyof [*or* Union of] found [*in the Words of the Local or General Act,*] and that the Matter will be inquired into on the Day of , at o'Clock in the Forenoon, at , before such Justices of the Peace for the said *County* as may then be there, who may make such Order on you the said *C.B.*, for the Maintenance of the said Child, as they may think fit; the said *A.B.*, is in the meantime detained in the at , by the Order of a Justice of the Peace.

Dated this Day of 185 .

M.N. { Constable, Inspector, *or* Superintendent of Police of .

(B.)

Recognizance of Parent for good Behaviour of Child.

The Recognizance will be in the usual Form with the following Condition: The Condition of the within-written Recognizance is such, that whereas a certain Child named *A.B.*, the Son of [*or* who has been residing with, the said bounden *C.B.*, [*or, as the Case may be,*] having been found begging [*or, as the Case may be, with the Time and Place of the Offence*], if therefore the said Child shall be of good Behaviour for the Period of from the Day of the Date hereof, then the said Recognizance to be void, or else to stand in full Force and Virtue.

(C.)

(C.)

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found begging [*or, as the Case may be in Section* 5.] : And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Security has been given for the future good Behaviour of the said Child : Now therefore we, the said Justices, do, pursuant to Section 7. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, (the same being proposed by the Parent of the said Child, [*if so,*] and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof.

Given under our Hands and Seals this Day of at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(D.)

Second Order changing School.

To the Managers of Certified Industrial School at and to the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A. B.*, about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the County of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of , and he is now detained therein [*if so*] : And whereas the said *C. B.*, the [*Father*] of the said Child,

has objected to the said School, and has proposed the Certified Industrial School at , and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the County of , where the Child was taken into Custody, that the Managers of the Certified Industrial School at are willing to receive the said Child, and the said Parent has also complied with the other Conditions of Section 10. of the said Act: These are therefore to order you the said Managers of the Certified Industrial School at to send the said Child forthwith to the Certified Industrial School at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under my Hand and Seal this Day of , at in the *County* aforesaid.

J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was on the Day of , by the Order of Two of Her Majesty's Justices of the Peace for the County of , made pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of and he is now detained therein:* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the County of in which the School is situate, that suitable Employment in Life has been provided for the said Child [*or* there appears to us, &c. sufficient Cause for the Discharge of the said Child]: These are therefore to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

(F.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form* (*G.*), *and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of , in which the School is situate, for the future good Behaviour of the said Child: These are therefore to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(G.)

Order for Maintenance on Union wherein Child found.

To the Guardians of the Poor of the Union [*or* to the Overseers of the Parish of]:

Whereas a certain Order of us, the undersigned, Two of Her Majesty's Justices of the Peace for the *County* of , bearing Date this Day of , and made pursuant to the "Industrial Schools Act, 1857," after due Inquiry in that Behalf, a certain Child named *A.B.*, about Years of Age, was ordered to be taken and conveyed to, and received in, the Certified Industrial School at , there to be detained for the Period of from the Day of the Date hereof, the said Child having been found begging [*or, as the Case may be, under Section 5., with the Time and Place of Offence*]:* These are therefore, pursuant to Section 16. of the said Act, to order you, the said Guardians of the Union, or Overseers of the said Parish (within which Union [*or* Parish] the said Child was taken into Custody for the said Offence) to pay out of the common Fund of your said Union [*or* Poors Rate of the said Parish] unto the Managers of the Certified Industrial School at , or to a Person authorized by them from Time to Time to receive the same, weekly and every Week, from the Day of , the Sum of , for the Maintenance, Clothing, Education, Care, and Training of the said Child until the said Child shall attain the Age of Fifteen Years, or shall be sooner lawfully discharged from the

said School; and we further order you, the said Guardians [*or* Overseers] to pay out of the said common Fund of your Union [*or* Poors Rate of the said Parish] unto *M.N.*, Constable of , the Sum of , being the Charges and Expenses hitherto incurred respecting the said Child, and the Expenses of conveying the said Child to the said School.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

Order on Parent to repay to Guardians [*or Overseers*] *Sums paid by them.*

To *C.B.* of in the *County* of :

Whereas by a certain Order of [us, the undersigned , *if so*] Two of Her Majesty's Justices of the Peace for the *County* of , (wherein such Order was made, or wherein you, the said *C.B.*, are residing,) bearing Date this Day, [*or* on the Day of ,] made pursuant to Section 16. of the "Industrial Schools Act, 1857," and directed to the Guardians of the Poor of the Union [*or* the Overseers of the Poor of the Parish] of in the *County* of , it was ordered by the said Justices that the said Guardians [*or* Overseers] should pay [out of the common Fund of the said Union, *or* Poors Rate of the said Parish] unto the Managers of the Certified Industrial School at , the weekly Sum of , for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.*, (who appears to be the Son of [*or* who had been residing with] you, the said *C. B.*, and who had been theretofore duly sent to and now is detained in the said School by virtue of the said Acts, and after due Notice to you in that Behalf,) until the said Child should attain the Age of Fifteen Years, or should be sooner lawfully discharged from the said School: And whereas the said Order for Payment is still in force, and it has been duly proved to us that the said Guardians [*or* Overseers] have paid weekly Instalments thereunder, and also Charges and Expenses of conveying the Child to School, amounting to the Sum of : These are therefore, pursuant to Section 17. of the said Act, to order you, the said *C. B.*, forthwith to pay to the Guardians

Guardians of the Union [*or* Overseers of the Poor of the Parish of aforesaid] the said last-mentioned Sum of , and also weekly Repayments during such Time as the said recited Order is in force, the Sum of , being [a Portion of] the weekly Payment which the said Guardians [*or* Overseers] are required to make for the Maintenance, Clothing, Education, Care, and Training of the said Child, and also the Costs of this Application.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To *C.B.*, of , and to the Guardians [*or* Overseers] of :

Whereas by a certain Order of [us, the undersigned, *if so*,] Two of Her Majesty's Justices of the Peace for the *County* of , made on the Day of , pursuant to Section 17. of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said *C.B.*, should pay to you, the said Guardians of the Union [*or* Overseers of the Poor of the Parish of aforesaid] weekly and every Week during such Time as a certain Order made upon the said Guardians [*or* Overseers] was in force, the Sum of , being [a Portion of] the weekly Payment which the said Guardians [*or* Overseers] are required to make for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.* (who is the Son of [*or* who had been residing with] you, the said *C.B.*, and who had been theretofore duly sent to and was then and now is detained in the Certified Industrial School at) for the Period therein mentioned*: Now therefore we, the said Justices, seeing Cause to diminish [*or* increase] the Amount of the said weekly Payment, do order, pursuant to Section 18. of the said Act, that the said weekly Payment to be made by you the said *C.B.* to you the said Guardians [*or* Overseers] shall, from the Day of , be the Sum of per Week, and no more.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(K.)

Order releasing Parent from Payment altogether.

[*Proceed as in Form* (*I.*) *to the Asterisk*, and then say*:] Now therefore we, the said Justices, seeing Cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 18. of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Guardians [*or* Overseers] from the Day of

Given under our Hands and Seals this Day of ,
at in the *County* aforesaid.

Industrial Schools.

A

B I L L

[AS AMENDED IN COMMITTEE]

To make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

(Prepared and brought in by Sir Stafford Northcote, Mr. Adderley, and Mr. Headlam.)

Ordered, by The House of Commons, *to be Printed,* 6 *March* 1857.

[Bill 36.]

Under 2 oz.

A

BILL

TO

Enable the Subjects of the Ionian States to hold Military and Naval Commissions under the Crown.

WHEREAS the united States of the Ionian Islands being, by the Treaty concluded at Paris on the Fifth Day of November One thousand eight hundred and fifteen, between His Majesty King George the Third and the Emperors of Austria and Russia and the King of Prussia, placed under the immediate and exclusive Protection of the Crown of the United Kingdom, it is expedient that Her Majesty should be enabled to grant Military and Naval Commissions to Subjects of the said States: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

I. It shall be lawful for Her Majesty to grant Commissions to any Persons, being Subjects of the united States of the Ionian Islands, to serve as Officers in any of Her Majesty's Forces, by Sea or Land, **Commissions may be granted to Ionian Subjects.**

Land, other than the Militias of England, Scotland, and Ireland respectively, and such Commissions and the Service thereunder shall be as lawful as if such Persons were natural-born Subjects of Her Majesty.

Ionian Subjects Commissions.

A

BILL

To enable the Subjects of the Ionian States to hold Military and Naval Commissions under the Crown.

(*Prepared and brought in by Mr. Labouchere and Mr. John Ball.*)

Ordered, by The House of Commons, *to be Printed,* 5 *February* 1857.

[Bill 2.]

Under 1 *oz.*

Judgments Execution, &c. Bill.

ARRANGEMENT OF CLAUSES.

Where Judgment has been obtained in the Courts at Westminster, a Memorial thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered; Sect. 1.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial thereof registered in Scotland shall have the Effect of a Decreet of the Court of Session; 2.

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate; 3.

Where Decreet has been obtained in the Court of Session, or in any Sheriff Court in Scotland, an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered; 4.

No Extract of Decreet to issue without Warrant of Court or Lord Ordinary; 5.

Memorial or Extract to be produced for Registration within Thirty Days of Date thereof; 6.

Courts at Westminster and Dublin to have same Control over registered Memorial or Extract as over Warrants of Attorney to confess Judgment; 7.

In case of Bankruptcy or Insolvency, registered Memorial or Extract not to be of greater Effect than Warrant of Attorney to confess Judgment; 8.

Memorial or Extract to be filed, and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence; 9.

Registers may be searched, and for each Search a Fee of Sixpence; 10.

Security for Costs, where Plaintiff resides in a different Part of the United Kingdom, abolished; 11.

Costs not to be allowed in Actions on Judgments, unless by Order of Court; 12.

Punishment of Forgery of Signature of Officer of Court; 13.

Judges to make Rules for Execution of this Act; 14.

Judges at Westminster and Dublin to issue altered Writs of Execution, if necessary; 15.

Short Title of Act; 16.

SCHEDULE.

A

B I L L

TO

Render Judgments or Decreets obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where Judgment has been obtained in the Courts at Westminster, a Memorial thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered.

I. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any Debt, Damages, or Costs, on Production to the Master of the Court of Common Pleas at Dublin where such Judgment shall have been obtained or entered up in any of the said Courts in England, or to the Senior Master of the Court of Common Pleas at Westminster where such Judgment shall have been obtained or entered up in any of the said Courts in Ireland, of a Memorial of such Judgment, in the Form contained in the Schedule to this Act annexed, marked No. 1, signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Memorial shall be registered

registered by such Master in a Register to be kept in the Court of Common Pleas at Dublin and at Westminster respectively for that Purpose, and to be called in the Court of Common Pleas at Dublin "The Register for English Judgments," and to be called in the Court of Common Pleas at Westminster "The Register for Irish Judgments," and every Memorial so registered shall from the Date of such Registration be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid, in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Memorial shall be recovered in like Manner as if the same were Part of the Judgment of which it is a Memorial: Provided always, that in the Case of any Judgment obtained or entered up before the *passing of this Act* no Memorial thereof shall be registered as aforesaid unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Memorial.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial thereof registered in Scotland shall have the Effect of a Decreet of the Court of Session.

II. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any Debt, Damages, or Costs, on Production at the Office kept in Edinburgh for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Memorial of such Judgment, in the Form contained in the Schedule to this Act annexed, marked No. 1, signed by the proper Officer of the Court where such Judgment has been obtained, such Memorial shall be registered in a Book to be kept for that Purpose, and to be called "The Register for English and Irish Judgments," in like Manner as a Bond executed according to the Law of Scotland, with a Clause of Registration for Execution therein contained; and every Memorial so registered shall, from the Date of such Registration, be of the same Force, Charge, and Effect as a Decreet of the Court of Session, and all Proceedings shall and may be had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Decreet originally pronounced in the Court of Session on the Date of such Registration as aforesaid, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Memorial shall be recovered in like Manner as if the same were Part of the Judgment of which it is a Memorial: Provided always, that in the Case of any Judgment obtained

obtained or entered up before the *passing of this Act* no Memorial thereof shall be registered as aforesaid unless Application shall have been first made to and Leave obtained from one or other Division of the Court of Session or from the Lord Ordinary on the Bills.

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate.

III. No Memorial of any Judgment as aforesaid shall be issued by any Officer of the said Courts in England or Ireland without a Rule of Court or Judge's Order, or unless the Judge who tries the Cause in which such Judgment is obtained shall certify that such Memorial ought to issue.

Where Decreet has been obtained in the Court of Session, or in any Sheriff Court in Scotland, an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered.

IV. On Production to the Senior Master of the Court of Common Pleas at Westminster, or to the Master of the Court of Common Pleas at Dublin, of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 2, of any Decreet of the Court of Session in Scotland which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Extractor of the Court of Session, or other Officer duly authorized to make and subscribe Extracts, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 3, of any Decreet of Registration in the Books of Council and Session, signed by the Principal Keeper of the General Register of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 4, of any Decreet of any Sheriff Court in Scotland, not being a Small Debt Court, which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Sheriff Clerk, or other Officer duly authorized to make and subscribe Extracts, such Extract shall be registered by such Master in a Register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that Purpose, and to be called "The Register for Scotch Judgments," and such Extract when so registered shall from the Date of such Registration be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Extract or by reason or in consequence thereof as if the Decreet of which it is an Extract had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Extract shall be recovered in like Manner as if the same were Part of the Decreet of which it is an Extract: Provided always, that in the Case of any Decreet obtained before the *passing of this Act* no Extract thereof shall be registered as aforesaid unless Application shall have

been first made to and Leave obtained from the Court, or a Judge of the Court in which it is sought so to register such Extract; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court of Session of the passing of such Note or the granting of such Sist, to a Judge of the Court in which such Extract of such Decreet has been registered, Execution on such registered Extract shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or where the Note of Suspension has been passed, until there be produced an Extract, under the Hand of the Extractor of the Court of Session or other Officer duly authorized to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension.

No Extract of Decreet to issue without Warrant of Court or Lord Ordinary.

V. No Extract of any Decreet as aforesaid shall be granted for the Purposes of this Act by any of the said Officers in Scotland, except under a Warrant of one or other of the Divisions of the Court of Session or of the Lord Ordinary on the Bills, to be obtained on summary Application.

Memorial or Extract to be produced for Registration within Thirty Days of Date thereof.

VI. No Memorial of any Judgment obtained or entered up after the *passing of this Act*, and no Extract of any Decreet obtained after the passing of this Act, shall be registered in any Court or Office, under the Provisions of this Act, unless produced for Registration as herein-before provided within *Thirty* Days after the Date of such Memorial or Extract, nor shall any such Extract of any Decreet be registered under the Provisions of this Act unless there be produced with it to the Registering Officer a certified Copy of the Interlocutor granting Warrant to extract the Decreet for the Purposes of this Act.

Courts at Westminster and Dublin to have same Control over registered Memorial or Extract as over Warrants of Attorney to confess Judgment.

VII. The Courts of Common Pleas at Westminster and at Dublin shall have and exercise the same Control and Jurisdiction over any Memorial of a Judgment or Extract of a Decreet registered under this Act in such Courts respectively as they now have and exercise over any Judgment entered up by Warrant of Attorney to confess Judgment.

In case of Bankruptcy or Insolvency, registered Memorial or Extract not to be of greater Effect than Warrant of Attorney to confess Judgment.

VIII. No Memorial of any Judgment or Extract of any Decreet registered under this Act in the Courts of Common Pleas at Westminster and at Dublin shall, in the event of the Bankruptcy or Insolvency of the Person against whom such Memorial or Extract has been registered, be of any greater Force or Effect than a Judgment entered up pursuant to a Warrant of Attorney to confess Judgment.

IX. Every

Memorial or Extract to be filed, and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence.

IX. Every Memorial of a Judgment or Extract of a Decreet registered under this Act shall be filed by the Registering Officer, and on the Amount due on such Judgment or Decreet being recovered Satisfaction or a Discharge may be entered by Endorsement on such Memorial or Extract, and a Memorandum of such Satisfaction or Discharge, and of the Date thereof, shall be made in the Book in which such Memorial or Extract has been registered, and a Certificate of such Satisfaction or Discharge so endorsed on any Memorial or Extract as aforesaid, signed by the Registering Officer, shall be Evidence of such Satisfaction or Discharge.

Registers may be searched, and for each Search a Fee of 6*d.* to be paid.

X. All Registers for Judgments and Decreets kept under this Act may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search the Sum of *Sixpence*, and no more.

Security for Costs, where Plaintiff resides in a different Part of the Kingdom, abolished.

XI. It shall not be necessary for any Plaintiff in any of the aforesaid Courts in England, resident in Ireland, or Scotland, or any Plaintiff in any of the aforesaid Courts in Ireland, resident in England or Scotland, to find Security for Costs in respect of such Residence, unless, on special Grounds, a Judge or the Court shall otherwise order, nor shall it be necessary for any Party to any Suit in any of the aforesaid Courts in Scotland, resident in England or Ireland, to sue by or sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence unless on special Grounds, the Court shall otherwise order.

Costs not to be allowed in Actions on Judgments unless by Order of Court.

XII. In any Action brought in any Court in England, Scotland, or Ireland, on any Judgment or Decreet which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs or Expenses of Suit unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

Punishment of Forgery of Signature of Officer of Court.

XIII. If any Person shall forge the Signature of any Officer of any Court in England, Scotland, or Ireland to any Memorial of a Judgment, or to any Extract of a Decreet, or to any other Document required under this Act, or shall tender for Registration, or use or utter, any such Memorial, Extract, or Document, with a false or counterfeit Signature thereto, knowing the same to be forged, he shall be guilty of Felony, and in Scotland of a High Crime and Offence, and shall upon Conviction be liable to Transportation for *Fourteen* Years, or to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour; and every Person who shall be charged with committing any such Felony or Crime and Offence may be dealt with, indicted,

tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed in the Country or Place in which he shall be apprehended or be in Custody.

Judges to make Rules for Execution of this Act.

XIV. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin respectively, or any *Eight* or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are hereby required, from Time to Time to make all such General Rules and Orders to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in the Courts of Common Law in England and Ireland respectively, as in their Judgments shall be necessary and proper; and it shall be lawful for the Court of Session in Scotland, and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in Scotland, as in its Judgment shall be necessary and proper: Provided always, that such Rules, Orders, and Acts of Sederunt respectively shall be laid before both Houses of Parliament within *One Month* from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within *One Month* from the Commencement of the then next Session of Parliament.

Judges at Westminster and Dublin to issue altered Writs of Execution if necessary.

XV. Such altered Writs of Execution may be issued in the said Courts of Common Pleas at Westminster and Dublin respectively as may by the Judges of the said Courts respectively be deemed necessary or expedient for giving Effect to the Provisions of this Act, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and any existing Writ of Execution, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no Alteration had been made thereon.

Short Title of Act.

XVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments Execution Act, 1857."

SCHE-

SCHEDULE.

No. 1.

JUDGMENTS EXECUTION ACT, 1857.

Memorial of Judgment.

ON the Day of in the Year of our Lord in the Court of Queen's Bench [Common Pleas, *or* Exchequer of Pleas] at Westminster [*or* at Dublin], *A.B.*, by the Consideration and Judgment of the said Court, recovered against *C.D.* the Sum of which in and by the said Court was then and there adjudged to the said *A.B.*, [*according to the Form of the Judgment*], whereof the said *C.D.* was convicted, which Judgment still remains in full Force, unrecovered and unsatisfied, and Execution may now be issued thereon.

Dated the Day of 18 .

[*Officers of Court's Signature, adding his official Designation.*]

No. 2.

JUDGMENTS EXECUTION ACT, 1857.

Court of Session Extract.

AT Edinburgh, the Day of sitting in Judgment, the Lords of Council and Session decerned and ordained, and hereby decern and ordain Defender to make Payment to Pursuer of the Sum of Sterling [*according to the Form of the Decree*], item of the lawful Interest of the said Sum from and since the Day of till Payment, and of the Sum of of Expenses found due, and of the Sum of Sterling further as the Expense of extracting this Discreet. Extracted by me Extractor in the Court of Session at Edinburgh, the Day of

[*Principal or Assistant Extractor or other Officer's Signature, adding his official Designation.*]

No. 3.

JUDGMENTS EXECUTION ACT, 1857.

Decreet of Registration Extract.

AT Edinburgh, the Day of by Decree interponed to a certain [*state the Nature of the Instrument or Obligation*], registered in the Books of Council and Session, the Lords thereof decreed and ordained, and hereby decree and ordain [*Debtor's Name and Designation*] to make Payment to [*Creditor's Name and Designation*] of the Sum of Sterling [*according to the Form of the registered Instrument or Obligation and Decree*], and of the Sum of Sterling further as the Expense of extracting this Decreet. Extracted by me Principal Keeper of the General Register of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session at Edinburgh, the Day of .

[*Principal Keeper of Registers' Signature.*]

No. 4.

JUDGMENTS EXECUTION ACT, 1857.

Sheriff Court Extract.

AT the Day of sitting in Judgment, the Sheriff of decerned and ordained, and hereby decerns and ordains Defender to make Payment to Pursuer of the Sum of Sterling [*according to the Form of the Decree*], item of the lawful Interest of the said Sum from and since the Day of till Payment, and of the Sum of of Expenses found due, and of the Sum of Sterling further as the Expense of extracting this Decreet. Extracted by me, Clerk in the Sheriff Court at this Day of .

[*Sheriff Clerk or other Officer's Signature, adding his official Designation.*]

Judgments Execution, &c

A

BILL

To render Judgments or Decrees obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom.

(Prepared and brought in by Mr. Craufurd and Mr. Dunlop.)

Ordered, by The House of Commons, *to be Printed,* 4 *February* 1857.

[Bill 1.]

Under 2 oz.

(Ireland.)

A

BILL

TO

Amend an Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, intituled "An "Act to make Provision for the lighting, "cleansing, and watching of Cities, Towns "Corporate, and Market Towns in Ireland, in "certain Cases."

WHEREAS by Sections LXVIII., LXIX., and LXX., respectively, of the Act 9 George IV. Chapter LXXXII., certain Penalties, Forfeitures, and Disqualifications are imposed on Persons acting as Commissioners under the said Act, or as Clerks or Treasurers to such Commissioners, in case they shall be interested in or hold any Employment in connexion with any Contract entered into with such Commissioners: And whereas it is expedient to exempt from the said Provisions of the said Act Persons becoming Shareholders in or holding Offices or Employments in any Joint Stock Company which may contract with the Commissioners of any Town for the Supply of Water or Gas thereto, or otherwise for the Improvement thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Recited Provisions of Act 9 G. 4. c. 82. (Ireland) not to affect Proprietors in Joint Stock Companies having Contracts for lighting, &c. Towns subject to said Act.

I. Notwithstanding anything to the contrary in the said recited Act or any other Act contained, no Person being a Commissioner for the Execution of the said recited Act, or any Treasurer or Clerk of such Commissioner, shall from and after the *passing of this Act* be subject or liable to any Forfeiture, Loss of Office, Disqualification, or Penalty, by reason of such Person being a Proprietor of a Share or Shares or a Holder of any Office or Employment in any Joint Stock Company which may have made or may make or enter into any Contract with the Commissioners of such Town acting under the said Act, and no Contract entered into between any such Company and such Commissioners shall be void or voidable by reason of any such Commissioner, Clerk, or Treasurer being interested in such Company as a Shareholder or Officer in the same.

Lighting of Towns (Ireland) Act Amendment.

A

BILL

To amend an Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, intituled "An Act to "make Provision for the lighting, "cleansing, and watching of Cities, "Towns Corporate, and Market "Towns in Ireland, in certain Cases.'

(Prepared and brought in by Mr. Maguire and Mr. Deasy.)

Ordered, by The House of Commons, *to be Printed,* 20 *February* 1857.

[Bill 27.]

Under 1 *oz.*

275

A

BILL

TO

Amend the Law relating to the Appointment of Officers and Management of Lunatic Asylums in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King George the Fourth, intituled "An Act to make "more effectual Provision for the Establishment of Asylums for the "Lunatic Poor and for the Custody of Insane Persons charged with "Offences in Ireland;" and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King George the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King George the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King George the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine; and it is expedient to explain and amend the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Preamble.

1 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. & 1 W. 4. c. 22.

8 & 9 Vict. c. 107.

9 & 10 Vict. c. 115.

18 & 19 Vict. c. 109.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Ireland, Act, 1857."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall mean and include the Chief Governor or Governors of Ireland; the Words "Lord Lieutenant and Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of Her Majesty's Privy Council in Ireland; "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Appointment of Officers for Asylums heretofore made to be valid.

III. All Appointments of Officers for such Asylums, save and except all such Appointments as have been decided by the Court of Queen's Bench to have been illegal, and all Salaries of such Officers fixed or granted, and all Matters and Things heretofore done by the Lord Lieutenant or by the Lord Lieutenant and Council, with respect to such Appointments, shall be taken to be good, valid, and effectual, but subject to the Provisions herein-after contained.

Governors to fix Establishment.

IV. The Governors of each Asylum, with the Approbation of the Lord Lieutenant and Council, shall from Time to Time, in the Case of every such Asylum established or to be hereafter established, fix and determine the Number and Description of Officers for every such Asylum.

Governors to fix Salaries.

V. The Governors of such Asylums shall from Time to Time, subject to the Approbation of the Lord Lieutenant in Council, fix the Salaries to be paid to such Officers respectively; but if the Governors shall neglect so to do, or if the Lord Lieutenant in Council shall not consider the Salary proposed for any Office to be fair and reasonable, it shall be lawful for the Lord Lieutenant in Council to fix and determine the same.

Governors may alter Salaries.

VI. It shall be lawful for the Governors, with the Approval of the Lord Lieutenant in Council, from Time to Time to alter the Salaries to be paid to such Officers respectively.

All other Officers appointed by Governors.

VII. All Officers of every such Asylum shall be from Time to Time appointed and be removable by the Governors, subject to the Approval of the Lord Lieutenant.

VIII. It

Superannuation of Officers.

VIII. It shall be lawful for the Governors, with the Approval of the Inspectors of Lunatics or one of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding such Proportion of his Salary and Allowances as herein-after mentioned, (that is to say,) for above Fifteen and less than Twenty Years Service, a Pension not exceeding *Two Thirds* of his Salary and Allowances, and for above Twenty Years Service a Pension not exceeding his Salary and Allowances.

Salaries and Superannuation Pensions, how to be raised, &c.

IX. The several Salaries and Superannuation Pensions now or hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Provision for Lunatics not Paupers.

X. Whereas Pauper Lunatics only can now by Law be admitted into any such District Lunatic Asylums, and there are others of the industrious Classes suffering from Insanity who may be benefited by Treatment in Lunatic Asylums, but whose Relatives are unable to meet the Expense of Private Asylums, and are not willing to accept gratuitous Relief, and it is expedient that some Provision should be made for such Classes: Be it therefore enacted, That it shall be lawful for the Governors of any District Lunatic Asylum (subject to any Orders to be made by the Lord Lieutenant in Council) to receive as Inmates any Persons not coming under the Description of Pauper Lunatics (but to be treated in all respects as if Pauper Lunatics, Clothing only excepted), on such Terms as to Payment or otherwise as to the Governors shall seem proper, and the Monies so received as Payment for such Persons shall be applied to the Support and Maintenance of such Asylums.

Lord Lieutenant may by Orders regulate Admissions of Non-pauper Lunatics.

XI. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make any General or Special Orders regulating the Admission of such Lunatics not coming under the Description of Paupers, or prohibiting the Admission of such Persons.

Construction.

XII. This Act and the said recited Acts shall be construed together as if One Act.

Lunatic Asylums (Ireland).

A

BILL

To amend the Law relating to the Appointment of Officers and Management of Lunatic Asylums in Ireland.

(*Prepared and brought in by Colonel Dunne and Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1857.

[Bill 17.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of the Tax thereby imposed in lieu of Ministers Money in Ireland.

WHEREAS by an Act of the Session of Parliament holden in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to amend the Laws relating "to Ministers Money, and the Church Temporalities (Ireland) Act," it is enacted as follows; that is to say: that the Collector General of Rates within the Municipal District of the City of Dublin, and the Boards of Guardians, and the Council of each of the Cities or Boroughs of Cork, Limerick, Waterford, Drogheda, Kilkenny, and Clonmel, and the Town Commissioners of Kinsale, in their respective Districts, shall cause to be raised in each Parish then liable to the Payment of Ministers Money in every Year, in Two equal Sums, the Amount ascertained, approved, and certified under the Provisions of the said Act with respect to such Parish, by means of a Rate, to be assessed and levied as therein provided, on all Houses situated in each such Parish respectively then liable to the Payment of Ministers Money, and being of the rated Value of more than Ten Pounds: And whereas it is by the said Act further enacted, that the Monies

Preamble.

17 & 18 Vict. c. 11.

so

so levied by and under the Authority of the Councils and Town Commissioners shall be paid to the respective Treasurers of the Cities and Towns in which the same are levied, and the Monies so levied under the said Act by and under the Authority of the said Boards of Guardians shall be paid to the Treasurers of their respective Unions to a separate Account, and all Monies levied under the said Act by the Collector General of Rates, and the Monies paid to the said Treasurers, shall be paid by them, under the Provisions of the said recited Act, into the Bank of Ireland, to a separate Account in the Name of the Paymaster of the Civil Services in Ireland, and all Sums paid to such Paymaster shall be paid by him to "The Ecclesiastical Commissioners for Ireland:" And whereas it is further enacted by the said recited Act, that in case in any Half Year the Sums due on the Houses liable to the said Tax be not raised and paid over to the Paymaster of Civil Services, the same shall, in case of such Default, with respect to any Parish in the immediate District of Dublin or in any of the other Cities and Boroughs therein mentioned, become and be a Debt due to the Crown, and recoverable as such, from the City of Dublin or from such other City or Borough in which such Default may happen; and the Lord Lieutenant of Ireland shall order all Sums which shall become due to the Crown to be recovered and paid to "The Ecclesiastical Commissioners for Ireland:" And whereas it is expedient to alter and amend the said recited Act so far as relates to the aforesaid Provisions, and not otherwise: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Provisions of recited Act relating to the Tax repealed.

I. That from and after the *passing of this Act* the aforesaid Provisions in the said recited Act, and all other Provisions relating to the said Tax contained in the Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Sections of the said recited Act, shall be and are hereby repealed.

Ministers Money (Ireland).

A

B I L L

To amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of the Tax thereby imposed in lieu of Ministers Money in Ireland.

(*Prepared and brought in by Mr. Fagan and Mr. Beamish.*)

Ordered, by The House of Commons, *to be Printed*, 19 *February* 1857.

[Bill 24.]

Under 1 *oz.*

A

BILL

TO

Amend the Provisions of the Act for the Regulation of Municipal Corporations concerning the Transfer of Powers under Local Acts.

WHEREAS by Section Seventy-five of the Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "To provide "for the Regulation of Municipal Corporations in England and "Wales," it was provided that the Trustees appointed under any Act of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough named in One of the Schedules (A.) and (B.) to the Act now in recital, or Part thereof, might if it should seem to them expedient transfer all the Powers vested in them as such Trustees by any such Act to the Body Corporate of such Borough, and the Body Corporate of such Borough should thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act of Parliament; provided always, that no such Transfer should be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) to the Act now in recital which relate to the Town of Cambridge without the Consent of the Chancellor, Masters, and Scholars of the University of Cambridge: And whereas Doubts have arisen as to the Con- Preamble. 5 & 6 W. 4. c. 76. s. 75.

Construction of the said Section, and it is expedient to amend the same as herein-after provided.

5 & 6 W. 4. c. 76. s. 75. repealed.

I. The herein-before recited Enactment shall be repealed save so far as relates to any Transfer made thereunder before the passing of this Act.

Powers, Property, and Liabilities of Trustees for paving, &c. may be on the Grant of a Charter of Incorporation under 5 & 6 W. 4. c. 76. transferred to the Body Corporate of the Borough.

II. The Trustees appointed or acting by or under any Act of Parliament for paving, lighting, supplying with Water or Gas, or cleansing, watching, regulating, or improving, or for providing or maintaining a Cemetery or Market in or for any Borough named in one of the said Schedules to the said Act of the Fifth and Sixth of King William the Fourth, or to which a Charter of Incorporation has been since the passing of such Act or shall be hereafter granted by Her Majesty, or any Part of any such Borough, and whether the Powers of such Trustees under any such Act do or do not extend beyond the Limits of such Borough, may, if it seem to them expedient, at a Meeting to be called for that Purpose, transfer to the Body Corporate of such Borough all the Rights, Powers, Estates, Property, and Liabilities of such Trustees under any such Act as aforesaid, and such Transfer shall be made in Writing under the Common Seal of the said Trustees if they be a Corporation, or, if not a Corporation, then by Deed executed by the Trustees or any Two of them acting by the Authority of and on behalf of all such Trustees; and upon any such Transfer being so made the Body Corporate to whom such Transfer is made shall become and be Trustee for executing by the Council of the Borough the several Powers and Provisions of any such Act as aforesaid, and all the Rights, Powers, Estates, and Property vested in the Trustees making such Transfer shall vest in such Body Corporate, and all the Liabilities and Obligations of the said Trustees shall stand transferred to and be borne by such Body Corporate, and the said Trustees shall be freed and discharged from all such Liabilities and Obligations, but nothing herein contained shall authorize any such Transfer in the Case of the Town of Cambridge without the Consent required by the said recited Enactment.

No Transfer to be made without a Resolution of the Borough Council.

III. Provided always, That no such Transfer as aforesaid shall be made or take effect unless and until the Council of the Borough have resolved, at a Meeting of such Council holden and convened in manner required by the said Act of William the Fourth, to accept the same.

Acts to be read together.

IV. The said Act of King William the Fourth and this Act shall be construed together as One Act.

Municipal Corporations Act Amendment.

A

BILL

To amend the Provisions of the Act for the Regulation of Municipal Corporations concerning the Transfer of Powers under Local Acts.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 9 *March* 1857.

[Bill 42.]

Under 1 *oz.*

Passing Tolls Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Short Title of Act; Sect. 1.
Commencement of Act; 2.
Abolition of Passing Tolls; 3.
Debts on Passing Tolls to be paid out of Monies to be provided by Parliament; 4.
Transfer of Dover Harbour to the Admiralty; 5.
Transfer of Powers of Warden and Assistants to Admiralty; 6.
Transfer of Ramsgate Harbour to the Crown; 7.
Ramsgate Harbour to be under the Management of the Board of Trade; 8.
Determination of Right to levy Town Dues; 9.
Repeal of Acts relating to Ramsgate Harbour; 10.
Board of Trade may levy Rates in Ramsgate Harbour; 11.
Preservation of Rights of Creditors against Town Dues; 12.
Town Commissioners to indemnify Board of Trade; 13.
Town Commissioners to repay any Monies paid by Board of Trade in discharge of Debts; 14.
Power to Town Commissioners to borrow; 15.
Board of Trade to receive Per-centage on Salvage; 16.
Incorporation of Harbours, Docks, and Piers Clauses Act; 17.
Property transferred; Power of Sale in Board of Trade; 18.
Form of Conveyance by Board of Trade; 19.
Harbour to be free from Rates; 20.
The Board of Trade may allow Compensation to Persons deprived of Offices; 21.
Deficiency of Income to be supplied by Monies voted by Parliament; 22.

A

B I L L

FOR

The Abolition of Passing Tolls.

WHEREAS it is expedient that Provision should be made for the Abolition of Passing Tolls: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

PRELIMINARY.

I. This Act may be cited for all Purposes as "The Passing Tolls Act, 1857." Short Title of Act.

II. This Act shall come into operation *on the First Day of January One thousand eight hundred and fifty-* . . Commencement of Act.

III. No Tolls or Rates, whether known by the Name of Passing Tolls or otherwise, shall be leviable by or on behalf of the Trustees of the Harbour of Ramsgate, the Warden and Assistants of the Harbour of Dover, the Trustees of Whitby Harbour, or the Commissioners of the Harbour of Bridlington, on any Ships or Goods carried in Ships, unless such Ships enter the said Harbours respectively. Abolition of Passing Tolls.

Debts on Passing Tolls to be paid out of Monies to be provided by Parliament.

IV. All Debts which have previously to the *First Day of February One thousand eight hundred and fifty-six* been legally charged on the Tolls or Revenues of the Harbours of Whitby or Bridlington shall be payable out of Monies to be provided by Parliament for the Purpose, in such Manner as the Commissioners of Her Majesty's Treasury may direct.

Transfer of Dover Harbour to the Admiralty.

V. The Harbour of Dover and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of Dover Harbour for the Purposes thereof, with their actual and reputed Appurtenances, shall, subject to all Liabilities affecting the same, be transferred to and are hereby vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, and their Successors in Office for ever, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Transfer of Powers of Warden and Assistants to Admiralty.

VI. All Powers, Rights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour or the Property belonging thereto, which may by virtue of any Act of Parliament or otherwise be vested in or exerciseable by the said Warden and Assistants, shall be transferred to, vested in, and exerciseable by the said Commissioners for executing the Office of Lord High Admiral, and their Successors in Office.

Transfer of Ramsgate Harbour to the Crown.

VII. The Harbour of Ramsgate and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour for the Purposes thereof (or in any Person in trust for the Purposes of the said Harbour), with their actual and reputed Appurtenances, and all Rights and Privileges to, on, or relating to the Premises hereby transferred, shall be transferred to and are hereby vested in Her Majesty, Her Heirs and Successors.

Ramsgate Harbour to be under the Management of the Board of Trade.

VIII. The Harbour of Ramsgate, and all Property belonging thereto hereby transferred, shall be under the Superintendence and Control of the Board of Trade.

Determination of Right to levy Town Dues.

IX. All such Powers, Rights, and Privileges of levying Rates and Dues on Coal, Culm, and Coke imported or landed or shipped within the

the Parish of Ramsgate, or the Pier or Harbour thereof, and herein-after called Town Dues, as have hitherto been vested in or exercised by the Commissioners for paving, lighting, watching, and improving the Town of Ramsgate, herein-after called the Town Commissioners, shall be abolished.

Repeal of Acts relating to Ramsgate Harbour.

X. The following Acts, (that is to say,)

An Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Third, Chapter Seventy-four (Local and Personal), intituled "An Act for the Maintenance and Improvement of the Harbour of Ramsgate in the County of Kent, and for cleansing, amending, and preserving the Haven of Sandwich, in the same County:" 32 G. 3. c. 74. (Local and Personal.)

An Act passed in the Thirty-seventh Year of the Reign of His late Majesty King George the Third, Chapter Eighty-six (Local and Personal), intituled "An Act for amending an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled 'An Act for the Maintenance and Improvement of the Harbour of Ramsgate in the County of Kent, and for cleansing, amending, and preserving the Haven of Sandwich, in the same County:'" 37 G. 3. c. 86. (Local and Personal.)

An Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-four (Local and Personal), intituled "An Act to alter and amend Two Acts made in the Thirty-second and Thirty-seventh Years of His present Majesty, for the Support and Maintenance of Ramsgate Harbour in the County of Kent," 55 G. 3. c. 84. (Local and Personal.)

shall be repealed, subject to this Proviso, that such Repeal shall not affect—

(1.) Anything duly done under the said Acts before such Repeal comes into operation;

(2.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred under the said Acts in respect of any Offence committed before such Repeal comes into operation.

Board of Trade may levy Rates in Ramsgate Harbour.

XI. The Board of Trade may impose and levy the following Rates; that is to say,

(1.) On every Vessel, of whatever Size, entering the said Harbour, excepting Fishing Boats belonging to Ramsgate and Vessels using the said Harbour solely as a Harbour of Refuge, a Rate of *Threepence* per Ton, and a further Rate of *One Penny* per Ton for every Week after the first *Four* Weeks during which such Vessel remains in the said Harbour:

(2.) On all Cargoes or Goods, including Coal, Culm, and Coke, landed or shipped in the said Harbour, a Rate not exceeding *Two Shillings* for each Ton Weight of such Cargoes or Goods, and a proportionate Sum for Quantities less than a Ton:

(3.) On every Passenger embarking from or landing on the Pier of the said Harbour, a Rate not exceeding *Threepence*, to be paid, if demanded, before the Passenger is allowed to embark or land:

And the said Board may from Time to Time vary such Rates by reducing or raising the same, provided that such Rates do not at any Time exceed the Amount herein-before authorized to be levied.

Preservation of Rights of Creditors against Town Dues.

XII. The Board of Trade shall keep a separate Account of all Rates on Coal, Culm, and Coke levied by them at Ramsgate; and any Creditor shall, in respect of any Advance made by him on the Security of the Town Dues, either alone or in common with other Property, have the same Claim against the said Rates when levied by the Board of Trade, and against the Board of Trade, to the Extent of such Rates levied by them, as he would, if this Act had not passed, have had in respect of the same Advance against the Town Dues and against the Town Commissioners.

Town Commissioners to indemnify Board of Trade.

XIII. Subject to the Right of the Creditor as herein-before reserved, all Charges on the said Town Dues shall be payable by the Town Commissioners out of any Rate or Rates they may have Power to levy; and the said Town Commissioners may, notwithstanding any Prohibition contained in any Act of Parliament as to the maximum Amount of such Rate or Rates, raise the Sum to such Amount as may be necessary for satisfying such Charges as aforesaid.

Town Commissioners to repay any Monies paid by Board of Trade in discharge of Debts.

XIV. If at any Time the Board of Trade pays to any Creditor any Monies in respect of any Charge hereby made payable by the Town Commissioners, the Monies so paid shall be deemed to be a Debt due from the Town Commissioners to the Crown, and be recoverable accordingly.

Power to Town Commissioners to borrow.

XV. The said Town Commissioners may from Time to Time borrow at Interest on the Security of any Rate or Rates, other than Rates on Ships or Goods carried in Ships, which they have Power to levy, any Sum or Sums, and apply the same in satisfying or reducing any Charge so incurred as aforesaid; and for the Purposes of such borrowing the Clauses of the Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, (except

(except the Clause numbered LXXXIV.,) shall be incorporated with this Act.

Board of Trade to receive Percentage on Salvage.

XVI. The Board of Trade shall be entitled to receive a Per-centage of *Five* Pounds in the Hundred on all Salvage paid in respect of any Ship or Boat, or Cargo, or Apparel of any Ship or Boat, or any Wreck or other Property which may be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the said Board before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

Incorporation of Harbours, Docks, and Piers Clauses Act.

XVII. "The Harbours, Docks, and Piers Clauses Act, 1847," shall be incorporated with this Act, so far as the same relates to Ramsgate Harbour; and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Rates and Monies hereby made leviable by the Board of Trade on account of Ramsgate Harbour shall be deemed to be "the Rates authorized to be levied by the Special Act;" the said Board of Trade shall be deemed to be "the Undertakers;" and any Officer employed by them in the Collection of the said Rates and Monies shall be deemed to be "the Collector of Rates."

Property transferred. Power of Sale in Board of Trade.

XVIII. All Income arising from the said Harbour of Ramsgate and the Property belonging thereto shall be applied for the Maintenance and Improvement of the said Harbour, and of the Services and Expenses connected therewith; and the Board of Trade from Time to Time may sell such Property or any Part thereof, and apply the Produce for the Purposes aforesaid.

Form of Conveyance by Board of Trade.

XIX. A Conveyance of Property by the Board of Trade under this Act may be made by Deed under the Seal of the Board, and signed by the President for the Time being of such Board, and it shall not be necessary to make Her Majesty, or any Person on behalf of Her Majesty, a Party to such Deed; and any Conveyance so executed shall transfer to the Person or Body Corporate in whose Favour it is made all such Estate and Interest in the Property purporting to be transferred as is by this Act vested in Her Majesty, Her Heirs and Successors, or such less Estate and Interest as may be expressed to be conveyed by such Board.

Harbour to be free from Rates.

XX. The Harbour of Ramsgate shall not, nor shall any Property at or near Ramsgate so transferred as aforesaid, be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses.

The Board of Trade may allow Compensation to Persons deprived of Offices.

XXI. The Board of Trade may, in its Discretion, allow such Compensation or Superannuation Allowance as it thinks fit to any Person who by reason of the passing of this Act is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Fifth Year of the Reign of King William the Fourth, Chapter Twenty-four, or of any other Act for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Monies standing for the Time being to the Account of the Place or Harbour at or on behalf of which such Person may have been employed, or, if there shall be no such Monies, out of Funds to be provided by Parliament for the Purpose.

Deficiency of Income to be supplied by Monies voted by Parliament.

XXII. If at any Time the Income and Revenue applicable to the Purposes of maintaining and improving the said Harbour is insufficient for such Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury to advance such Sums as may be requisite for the said Purposes out of Monies to be provided for the Purpose by Parliament.

Passing Tolls.

A

B I L L

For the Abolition of Passing Tolls.

(Prepared and brought in by Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,* 6 *February* 1857.

[Bill 5.]

Under 1 *oz.*

295

A

BILL

TO

Continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.

WHEREAS by the Act of the Nineteenth Year of Her Majesty, Chapter Forty-seven, certain Provisions, made by the several Acts therein referred to for charging upon the Common Fund of the Union the Costs of the Relief and of the Burial of certain poor Persons in those several Acts described, and the Costs of removing and maintaining certain lunatic Paupers, were continued until the Thirtieth Day of September in this present Year, and to the End of the next Session of Parliament; and it is expedient that such Provisions should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That all the said several temporary Provisions continued by the said Act of the Nineteenth Year of Her Majesty, Chapter Forty-seven, shall Provisions in recited Act further continued.

shall further continue in full Force until the *Thirtieth Day of September One thousand eight hundred and fifty-eight, and to the End of the then next Session of Parliament.*

Pauper Maintenance.

A

BILL

To continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.

(*Prepared and brought in by Mr. Bouverie and Mr. Grey.*)

Ordered, by The House of Commons, *to be Printed,* 10 *March* 1857.

[Bill 44.]

Under 1 *oz.*

Petty Sessions (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; Sect. 1.

Short Title; 2.

Commencement of Act; 3.

Justices at Petty Sessions may inquire into Duties of Petty Sessions Clerks, and Amount of Fees received by them, and may recommend that they be paid by Salaries in lieu of Fees, and may fix Amount of Salaries, subject to Approval of Lord Lieutenant; 4.

Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; 5.

On final Approval, Lord Lieutenant shall make an Order accordingly. Order to be published in Dublin Gazette; 6.

Salary of Clerk to be the Remuneration for all Business performed by him, save making Copies of Informations and Complaints; 7.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval; 8.

Grand Jury to present Amount of Salaries; 9.

Clerk shall account for Fees, and pay over Amount to Treasurer of County; 10.

When Salaries of Petty Sessions Clerks shall be paid; 11.

Penalty on Petty Sessions Clerks receiving Gratuities; 12.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices; 13.

Declaration to be made by Clerk that Accounts of Fees are correct; 14.

In default of paying over Sum received for Fees, Amount to be levied by Distress; 15.

Power to consolidate Petty Sessions Districts; 16.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury; 17.

Justices may appoint One Clerk to act for such altered District; 18.

Clerk to enter into a fresh Recognizance; 19.

Lord Lieutenant to make general Regulations ; 20.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.

Clerk liable to be dismissed in like Manner as before the passing of this Act; 22.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines ; 23.

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act; 24.

Act to extend to Ireland only ; 25.

(Ireland.)

A

BILL

TO

Authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend "The Petty Sessions (Ireland) Act, 1851."

WHEREAS it is expedient to authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend "The Petty Sessions (Ireland) Act, 1851:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In the Construction of this Act, the following Words and Expressions shall, if not inconsistent with the Context, have the Meanings herein-after assigned to them; (that is to say,) the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; the Word "District" shall mean Petty Sessions District; the Word "Clerk" shall mean Petty Sessions Clerk; the Word "Justice" shall mean Justice of the Peace, and shall include the Chief Magistrate for the Time being, or the Borough Justices of any Corporate Town; "Treasurer of the County" shall, as regards the County of Dublin, mean the Finance Committee, or Secretary of the Interpretation of Terms.

the Grand Jury, as the Case may be; "half-yearly," when used with reference to Presentments to be made under this Act, shall, as regards the County of Dublin, be understood to mean yearly; and "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term.

Short Title.

II. This Act may be cited for all Purposes as "The Petty Sessions (Ireland) Amendment Act, 1857."

Commencement of Act.

III. This Act shall, except in Cases where it is otherwise expressly provided, come into operation on the *First Day of January One thousand eight hundred and fifty-eight.*

Justices at Petty Sessions may inquire into Duties of Petty Sessions Clerks, and Amount of Fees received by by them, and may recommend that they be paid by Salaries in Lieu of Fees, and may fix Amount of Salaries, subject to Approval of Lord Lieutenant.

IV. The Justices at each Petty Sessions in Ireland may from Time to Time inquire into the Nature of the Duties of the Clerk of such Petty Sessions, and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years next preceding such Inquiry, and may recommend to the Lord Lieutenant that such Clerk shall be paid such annual Salary in lieu of Fees and other Payments as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received at such Petty Sessions during each of the *Three* Years then next preceding, as nearly as the same can be ascertained, and being signed by a Majority of the Justices then present, shall be transmitted to the Lord Lieutenant: Provided always, that *Fourteen* Days Notice at the least shall be given at some previous Petty Sessions of the Day on which the Justices are to meet at Petty Sessions to consider such Matter, and a Notice to the like Effect shall be published in some Newspaper circulating in the County, and shall be served upon every Justice within such Petty Sessions District *Seven* Days at the least previous to such Meeting, either by delivering the same personally to such Justice, or by leaving the same at or transmitting it by Post to his usual Place of Abode.

Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration.

V. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; and thereupon the Justices shall, at some Petty Sessions of which Notice shall be served in manner aforesaid on each Justice in such District *Seven* Days at least beforehand, reconsider their said Recommendation, and may alter or amend it.

On final Approval, Lord Lieu-

VI. If the Lord Lieutenant shall finally approve of the Recommendation of the Justices, he shall, by Order under his Hand, direct that

that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall have been finally fixed by such Justices, and approved by the Lord Lieutenant, and shall fix the Time from which such Salary is to commence, and the Days on which it is to be payable; and a Copy of every such Order shall be transmitted to such Justices and to the Secretary of the Grand Jury, and Notice thereof shall be published in the Dublin Gazette, and on such Publication the Provisions of this Act shall come into operation within such Petty Sessions District.

tenant shall make an Order accordingly.

Order to be published in Dublin Gazette.

VII. The Salary of any Clerk under any such Order shall be the Remuneration for all Business which such Clerk may by reason of his Office be called upon to perform, save the making of Copies of Informations or Complaints, and no other Payment shall be made for any such Business except the Fee of *Sixpence* for any Copy of an Information or Complaint.

Salary to be Remuneration for Business performed save making Copies of Informations, &c.

VIII. The Justices at Petty Sessions may at any Time re-consider the Salary appointed to be paid to the Clerk (Notice being given that a Motion will be made for such Purpose in the Manner hereinbefore provided), and may recommend to the Lord Lieutenant that such Salary should be increased or diminished, and fixed at such Sum as to them shall seem proper; and any such new Recommendation, and any Order of the Lord Lieutenant to be made thereon, shall be dealt with in the same Manner in all respects, and have the like Operation and Effect, as any original Recommendation under this Act, and Order of the Lord Lieutenant thereon.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval.

IX. The Salary of any Clerk under any such Order shall be payable by the County within which such Petty Sessions District is situate; and the Grand Jury of every such County is hereby required and empowered, without Application at Presentment Sessions, from Time to Time, at each Assizes, to make Presentment of the Sums payable in respect of such Salaries to be raised off the County at large; and if the Grand Jury shall refuse or neglect to make such Presentment the Court or Judge shall order the Amount of such Salaries to be raised off such County, and such Order shall have the Force of a Presentment, and the Amount therein specified shall be raised accordingly.

Grand Jury to present Amount of Salaries.

X. When any such Order shall have been made, the Clerk shall, from the Period at which his Salary shall commence, cause all Fees received or receivable by him by virtue of his Office, save the Fee of *Sixpence* for each Copy of an Information or Complaint, to be duly and regularly entered in One or more Books to be kept for that Pur-

Clerk shall account for Fees, and pay over Amount to Treasurer of County.

pose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account in Writing to the Treasurer of the County of all such Fees, at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the Lord Lieutenant shall from Time to Time think proper to direct; and the Treasurer shall audit such Account, and lay the same before the Grand Jury at each Assizes; and the said Clerk shall from Time to Time pay over the Amount of such Fees to the County Bank, to the Credit of the Treasurer, and to be applied in reduction of the Rates to be raised off the County at large, as the Grand Jury shall from Time to Time direct.

When Salaries of Petty Sessions Clerks shall be paid.

XI. The Sum presented by the Grand Jury for the Salary of any Clerk shall be paid to him only when it shall appear to the Treasurer that the Clerk has duly accounted for all Fees received or which ought to have been received by him for the Quarter next but One before the Quarter or Half Year or Year in respect to which such Presentment shall have been made.

Penalty on Petty Sessions Clerks receiving Gratuities.

XII. No Payment, Reward, Fee, or Gratuity, other than his Salary, and the said Fee of *Sixpence* for every Copy of an Information or Complaint, shall be received by any such Petty Sessions Clerk in respect of any Business or Proceedings at Petty Sessions (other than the Fees he is required to account for under the Provisions of this Act), under Pain of Dismissal, and a Penalty of *Ten Pounds* for every such Offence, to be recovered as in Cases of Summary Jurisdiction before the Justice or Justices at Petty Sessions.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices.

XIII. Where any Justice or Justices at Petty Sessions shall remit any Fee, in whole or in part, under the Provisions of "The Petty Sessions Act (Ireland), 1851," such Justice or Justices shall cause an Entry thereof to be made in the Petty Sessions Book, and of the Reason of the Remission, which Entry shall be signed by such Justice or Justices authorizing such Remission.

Declaration to be made by Clerk that Amount of Fees are correct.

XIV. Every Account to be rendered by any Clerk to the Treasurer shall be verified by a Declaration in Writing under the Hand of such Clerk, made before a Justice, of the Truth and Accuracy of such Account; and any Petty Sessions Clerk who shall make such Declaration, knowing the said Account to be false in any Particular, shall be guilty of a Misdemeanor.

In default of paying over Sum received

XV. If Default shall at any Time be made by any such Clerk in paying over any Sum of Money due on such Accounts, it shall be lawful

lawful for the Treasurer to stay the Payment of any Salary due to such Clerk, or in case of his Death to his Executors or Administrators, and also to certify such Default to the Justice or Justices at such Petty Sessions, who shall thereupon issue the proper Warrant for the Levy of such Sum of Money as shall have been certified to be due by such Clerk by Distress and Sale of his Goods and Chattels, in his Hands, or in case of his Death in the Hands of his Executors or Administrators, and in default of Distress and Sale of Goods such Justice or Justices may commit such Clerk to Gaol, there to be imprisoned for any Period not exceeding *Three* Months, unless in the meantime the Amount so certified shall be paid; and the Certificate of such Treasurer shall be primâ facie Evidence of such Default.

for Fees. Amount to be levied by Distress.

XVI. Whenever the Justices at Quarter Sessions shall deem it expedient that any Two or more of the Petty Sessions Districts into which any County or Riding is now or shall be hereafter divided should be consolidated, they shall proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to consolidate such Two or more Petty Sessions Districts into One Petty Sessions District, and shall fix some One convenient Place within such District at which Petty Sessions shall be held for the same, and the Number of Times in each Week when Petty Sessions shall be regularly held in such District; but the Justices of such District may afterwards fix the particular Days in each Week upon which such Petty Sessions shall be held.

Power to consolidate Petty Sessions Districts.

XVII. Whenever any such Petty Sessions Districts shall be so consolidated, and the Place and Times fixed at which Petty Sessions shall be held therein, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes (and in the County of Dublin at the then next ensuing Presenting Term), and the same shall be printed with the Presentments.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury.

XVIII. It shall be lawful for the Justices of such Petty Sessions, so altered as aforesaid, to appoint some One fit Person to act as Clerk of such Petty Sessions, and to fix and appoint such annual Sum to be paid by way of Salary to such Clerk as they shall think fit, subject to the Approval of the Lord Lieutenant; and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of the Petty Sessions (Ireland) Act, 1851, and this Act.

Justices may appoint One Clerk to act for such altered District.

Clerk to enter into a fresh Recognizance.

XIX. When any Petty Sessions Clerk shall be paid by Salary instead of Fees, he shall, within such Time as shall be appointed by the Lord Lieutenant after the *Commencement of this Act*, enter into a fresh Recognizance before some Justice of the County, conditioned for the due Discharge of the several Duties required of him under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct; and every such Recognizance shall be subject to the several Provisions relating to Recognizances contained in "The Petty Sessions (Ireland) Act, 1851," so far as the same are applicable, and as are not altered by this Act.

Lord Lieutenant to make general Regulations.

XX. The Lord Lieutenant may make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, and for checking of the Accounts of such Petty Sessions Clerks.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.

XXI. The Salary or Allowance payable to any Clerk of Petty Sessions may be at any Time withheld, on the Certificate of the Chief or Under Secretary that such Clerk has not duly accounted for the Fines for which he shall be required to account under the Provisions of the "Fines Act (Ireland), 1851."

Clerk liable to be dismissed in like Manner as before the passing of this Act.

XXII. Every Petty Sessions Clerk shall be liable to be dismissed from his Office in like Manner as he might have been dismissed therefrom before the passing of this Act, and nothing in this Act shall give him any greater or other Interest in the Tenure of his Office than he might have lawfully claimed if this Act had not passed.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines.

XXIII. Nothing in this Act shall extend to alter or affect the Duties and Liabilities of Clerks of Petty Sessions to make Entries and render Accounts of all such penal Sums as shall be ordered to be paid at Petty Sessions under the Provisions of the "Fines Act (Ireland), 1851."

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act.

XXIV. All the Provisions of the "Petty Sessions (Ireland) Act, 1851," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Act to extend to Ireland only.

XXV. This Act shall extend to Ireland only.

Petty Sessions (Ireland).

A

BILL

To authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend "The Petty Sessions (Ireland) Act, 1851."

(*Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 17 *February* 1857.

[Bill 19.]

Under 1 *oz.*

9 *March* 1857. 20 Vict.

A

BILL

FOR

The better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

WHEREAS the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (herein-after called "the Commissioners") have executed various Works at or near the East End of the Isle of Portland in the County of Dorset in and towards the Construction of a Breakwater and Harbour of Refuge there, and Vessels belonging to Her Majesty and others already resort to such Harbour: And whereas it is expedient that a better Supply of Water should be provided for the Use of such Vessels, and of certain Establishments, Works, and Places near to or connected with the said Harbour, and for that Purpose that the Commissioners should be empowered to purchase, and take and hold, construct and maintain, the Lands, Waterworks, Waters, Preamble.

Waters, Springs and Streams of Water, Pumps, Engines, Works, Buildings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks herein-after mentioned: And whereas the Lands mentioned in the Schedule to this Act belong to Her Majesty, Her Heirs and Successors, and it is expedient that the same be vested in the Commissioners upon the Trusts and for the Purposes herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say:

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Portland Harbour Waterworks Act, 1857."

Incorporation of Acts.

II. The "Lands Clauses Consolidation Act, 1845," save and except the Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, and the "The Waterworks Clauses Act, 1847," save and except the Sections thereof with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and the Sections thereof with respect to Mines, and the Sections thereof with respect to the breaking up of Streets for the Purpose of laying Pipes, and the Sections thereof with respect to the Supply of Water to be furnished by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Inhabitants, and the Sections thereof with respect to the Payment and Recovery of the Water Rates (saving as Part of this Act Section Seventy-four), and the Sections thereof with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and save and except Sections Eleven, Fifteen, Eighty-six, Ninety, Ninety-one, Ninety-two, and Ninety-three, shall, so far as the same may be applicable to and are not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Words and Phrases.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purposes of this

this Act, unless there be something in the Context repugnant to such Construction; "the Portland Harbour" shall mean the Harbour and Works constructed and to be constructed under the Provisions of an Act, Chapter Twenty-four, of the Acts passed in the Tenth Year of the Reign of Her present Majesty; "the Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland; "the Commissioners" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times "the Lord High Admiral for the Time being;" "Special Act" in the several Acts herewith incorporated shall mean this Act; "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure; and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Words "the Promoters of the Undertaking," in the Lands Clauses Consolidation Act, 1845, and the Word "Company," in the same Act, shall respectively mean "the Commissioners;" "the Undertakers," in the Waterworks Clauses Act, 1847, shall mean "the Commissioners;" "the Undertaking," in the same Act, shall mean the Purposes of this Act, so far as the same relate to the obtaining and supplying of Water; and "Water Rate," in Section Seventy-four of the Waterworks Clauses Act, 1847, shall mean the Money agreed to be paid to the Commissioners by any Person for a Supply of Water.

Power to construct Works.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also of certain Lands, Water, Springs, and Streams, in or through or by means of which the proposed Waterworks are intended to be made or to pass, or which are required for the Purpose of the said proposed Waterworks, have been deposited with the Clerk of the Peace for the County of Dorset: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions in this and the said incorporated Acts contained, to take and use the said existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also the said Lands, and Water, and Springs and Streams, and to lay down and make and from Time to Time maintain the said proposed Waterworks, with all necessary Reservoirs and other Works, in the

Line, and in, through, and upon the Lands, Roads, Highways, Bridges, and Railways respectively delineated upon the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use, for the Purpose of laying down and maintaining, and to lay down and maintain, from Time to Time, a Main or other Pipe, and Mains or other Pipes, and other Apparatus, necessary for the Purposes of this Act, upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans and such of the Lands situate on either Side of any such Roads, Highways, Bridges, and Railways respectively, and comprised within the Limits of Deviation herein-after mentioned, as shall be required for the Purposes of the Undertaking, and to acquire and take any Easement, Liberty, Privilege, Power, or Authority in or over any of the same Lands, Roads, Highways, Bridges, and Railways respectively, and the Right of laying down and maintaining a Main or other Pipe, and Mains or other Pipes, upon, across, or under any Lands in the said Plans and Book of Reference mentioned, or upon, across, or under any such Roads, Highways, Bridges, and Railways, or Lands lying on either Side thereof, as the Commissioners may think fit.

Power to deviate.

V. In executing the said Works the Commissioners may deviate from the Plans and Sections thereof shown on the said deposited Plans and Sections to the Extent of the Limits of Deviation also shown on the same Plans and Sections.

Power to supply Water on Terms agreed upon.

VI. It shall be lawful for the Commissioners to supply Water for the Purposes of the Vessels frequenting the said Harbour, and for any such other Purpose as they shall think fit, either gratuitously or for such Price or Sum, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Persons having such Supply of Water.

Instead of Bond required by 8 Vict. c. 18., Commissioners may give Undertaking.

VII. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Lands Clauses Consolidation Act, 1845, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition of such Bond to be done and performed, and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections would have had.

Costs of Arbitration when Com-

VIII. When, under the Provisions of Section Fifty-nine of the Lands Clauses Consolidation Act, 1845, Compensation shall have been

been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded, the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt: and if the Sum awarded shall be the same as determined by the Surveyor, then the Commissioners and the Owner shall respectively bear and pay their own Costs, and One Half of the Expenses of the Arbitration. Compensation settled by Surveyor.

IX. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned and comprised in the said Plans and Book of Reference shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken or agreed to be purchased or taken as to such as shall hereafter be purchased or taken under the Provisions of this Act. Powers to apply to Purchases already made.

X. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty. Notices by Commissioners.

XI. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty by being left at or transmitted through the Post to the Admiralty at Whitehall. Notices to Commissioners.

XII. The Lands mentioned in the Schedule to this Act shall immediately on *the passing of this Act* become and be vested in the Commissioners according to the Natures and Qualities thereof respectively, and to the Estates and Interests of Her Majesty therein respectively, and without its being necessary to have or take any Conveyance thereof. Lands mentioned in Schedule to vest in Commissioners.

XIII. The Commissioners shall hold all Lands vested or purchased or taken, in or by them, under the Authority of this Act, in trust for Her Majesty, Her Heirs and Successors, for the Purposes of the Portland Harbour and other the Purposes of this Act. Commissioners to hold Lands in trust for Her Majesty, &c.

Commissioners may sell Lands.

XIV. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or taken under the Authority of this Act; and it shall be lawful for the Commissoners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands obtained in Exchange to vest in Commissioners.

XV. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts and with the like Powers in all respects as are hereby declared as to Lands hereby vested and authorized to be purchased or acquired.

Monies received on Sale to be paid to Paymaster General.

XVI. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, or conveyed under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates.

XVII. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Conveyances, &c. to be exempt from Stamp Duty.

XVIII. All Conveyances, Assurances, Agreements, Receipts for Money, and other Documents whatsoever, made or given under or in pursuance of this Act, shall be exempt from all Stamp Duties.

XIX. All

Powers to be executed by Two Commissioners or by Lord High Admiral.

XIX. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving all Rights of Her Majesty.

XX. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested immediately in Her Majesty, Her Heirs and Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Actions, Suits, or other Proceedings.

Protection of Commissioners personally.

XXI. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law or in Equity, or otherwise instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in, under, or by reason of any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHEDULE to the foregoing Act.

LANDS IN THE ISLE OF PORTLAND.

All that Portion of Pasture Land, formerly Part of Portland Common, known by the Names of "East Wears" and "Verne," bounded on the North and East by the Beach or Sea Shore between the Village of Castletown and a Point commonly called or known by the Name of "Red Bricks," lying Six hundred and twenty Yards South of Folly Pier, on the South by a Line drawn West (by Compass) from Red Bricks aforesaid to the East Cliff near "Grove Point," and on the West by the Line of the East Cliff by the Railway leading from the "Weycroft" Quarries to Castletown Quay, and by a certain Piece of Land (containing Twelve Acres or thereabouts) lying on the West Side of the Verne, and held by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of the Crown.

Also all that other Portion of the said Pasture Land bounded on the East by the Railway near Castletown, on the South by a certain Piece of Land (containing Forty-four Acres or thereabouts) held by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of the Crown, and on the North-west by the Road leading from the Village of Chesiltown to Castletown aforesaid:

Also all that other Portion of the said Pasture Land bounded on the South-east by the Road leading from Chesiltown to Castletown aforesaid, on the North-west by the Gardens adjoining "Victoria Lodge" and by Portland Mere, and on the North-east by a Piece of Pasture Land lying to the Westward of Portland Castle:

Also all that other Portion of the said Pasture Land consisting of the "Two Spits" or Points lying on the North-east Side of Portland Mere, which said Spits or Points are bounded by High-water Mark on the North-east and South-west Sides thereof, by the Boundary Wall of Portland Castle on the South-east, and by the Road leading from Portland to Weymouth on the North-west:

All of which Portions of Pasture Land herein-before described contain Three hundred and forty-eight Acres or thereabouts:

Also,

Also all the Quarry Grounds and Arable Land bounded on the South by the Convict Prison and by the Road leading from the said Convict Prison to the Village of Easton, on the West by the said Road by a Piece of Land called "Middle Field," Part of the "Crown Farm," and by Old Quarry Workings called "Weycrofts," on the North by "Under Weycrofts" and by a Railway leading to the East Cliff, and on the East by the East Cliff aforesaid, which said Quarry Grounds and Arable Land contain Eighty Acres and Two Roods or thereabouts:

Also all that Land occupied by the Railway, Inclined Planes, Depôt, Roadway, and Breakwater Works, bounded on the East and West by the East Wears aforesaid, on the South by the Quarry Grounds aforesaid, and on the North by the Sea Shore, containing Twenty-nine Acres or thereabouts:

Also all the Land occupied by Prison Buildings, Gardens, and Reservoirs, bounded on the South by the East Wears and East Cliff aforesaid, on the West by Land belonging to the Representatives of the late William Heath and by the aforesaid Road leading from the Convict Prison to the Village of Easton, on the North by the Quarry Grounds and by the East Wears aforesaid, and on the East by the Beach or Sea Shore, and containing Twenty Acres One Rood or thereabouts:

Also all the Land on the Verne, lately within the Line of the Redoubt, bounded on the South and West by the Pasture Land first herein described, and on the North and East by the East Cliff aforesaid, and containing Four Acres or thereabouts:

Also all that Pasture Land adjoining Portland Castle bounded on the South-east by the Road leading from Chesiltown to Castletown, on the South-west by the Pasture Land first herein described, on the North-west by Portland Mere, and on the North-east by the Boundary Wall of Portland Castle, and containing Two Acres or thereabouts:

Also all the Area within the Mere between High and Low Water Marks, bounded on all Sides by High-water Mark of Spring Tides, and containing Sixty-one Acres and Two Roods or thereabouts:

Also all One Portion of the Area between High and Low Water Marks along the Shore, bounded on the South-east by the Boundary Wall of Portland Castle, on the South-west by the "Spits" adjoining Portland Mere, herein-before described, on the North-west by a Line

drawn North-east (by Compass) from the Northernmost Boundary Stone of Portland Mere, and on the North-east by Low-water Mark of Spring Tides:

And also the remaining Portions of the Area between High and Low Water Marks along the Shore, bounded on the North-west by a Line drawn North-east (by Compass) from the Easternmost Boundary Stone at the Village of Castletown, on the East by Low-water Mark of Spring Tides, on the West by the Pasture Land first herein described, and on the South by a Line drawn East (by Compass) from a Point on the Sea Shore Six hundred and twenty Yards South of Folly Pier, which said Portions contain Forty-three Acres and Two Roods or thereabouts:

Also the Site of the Portland Harbour Breakwaters and other Works, together with so much of the Area of the said Harbour as is bounded on the South by the Inner Breakwater, on the South-west by the Line of Shore lying between the Breakwater Works and the Village of Castletown, on the North-west by a Line drawn North-east (by Compass) for a Length of Six hundred and thirty Yards from the Shore, starting from the South-east Angle of the present Quay at Castletown aforesaid, and on the North-east by a Line drawn from the Easternmost Extremity of the last-named Line to a Point on the Inner Breakwater Two hundred Yards distant from the Shore, which Area contains Eighty-five Acres or thereabouts.

Portland Harbour.

A

BILL

For the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Osborne and Sir Robert Peel.*)

Ordered, by The House of Commons, *to be Printed*, 9 *March* 1857.

[Bill 40.]

Under 2 oz.

18 *March* 1857. 20 VICT.

A

BILL

FOR

The Incorporation of Public Charities.

WHEREAS numerous Public Charities (not being incorporated) have their Landed Property vested in Trustees, and the Appointment of new Trustees is attended with Expenses and Inconveniences, which it is expedient to remove: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall apply to all present and future Public Charities not incorporated, and having or acquiring any Land in England or Wales, or in the Isle of Man, or in any or either of the Channel Islands. Operation of the Act as to Charities.

II. The Trustees of any such Public Charity as aforesaid, or the Majority of them, are hereby authorized to file a Copy of the original Trust Deed of the Charity with the Registrar General of Public Charities, herein-after mentioned; and when any new Trustees of such Charity shall have been at any Time or Times appointed, the said Copy of such original Trust Deed so filed shall be accompanied by an Abstract of such Appointment or Appointments; and upon such Registration the said Registrar General shall issue a Certificate of Incorporation under some appropriate Name: Provided, that it shall Certificate of Incorporation how obtained.

be lawful for any Trustee or Trustees having the Custody of any Deeds or Muniments of or relating to any Charity as aforesaid to deposit the same for Custody in a Repository which may be provided by the said Registrar General of Public Charities, subject to any Regulations to be made as herein-after provided; and if such Deeds include the original Trust Deed of the Charity and the Deed or Deeds appointing new Trustees thereunder, it shall not be necessary to file a Copy of such original Trust Deed and Abstract of the Appointment or Appointments of new Trustees as aforesaid; and such Certificate of Incorporation as aforesaid may be issued after such Deposit.

Return of Names of new Trustees.

III. Whenever any new Trustees shall be appointed after the Incorporation of such Charity as aforesaid, a Return of the Names of such new Trustees shall be made to the said Registrar General, verified by the Seal of the Corporation.

Evidence of Incorporation.

IV. Any Certificate of Incorporation granted by the said Registrar General, and purporting to be signed by him, and to be sealed with his Seal of Office, shall be received in Evidence without any further or other Proof of such Certificate.

Inspection and taking Copies of Documents.

V. Every Person shall be entitled on Payment of the Fee herein-after mentioned to inspect any Document which has been filed with the said Registrar General, or any Certificate granted by him, between the Hours of Ten in the Morning and Four in the Afternoon of every Day, except Sunday, Christmas Day, and Good Friday, and to have a certified Copy or Extract of any such Document or Certificate as aforesaid; and for every such Inspection the said Registrar General shall be entitled to demand and receive from the Person requiring the same the Sum of *One Shilling*, and for every such Copy or Extract a Sum not exceeding *Sixpence* for every One hundred Words contained therein; and every certified Copy or Extract as aforesaid, purporting to be signed by the said Registrar General, and to be sealed with his Seal of Office, shall be received in Evidence in all Courts of Law and Equity and elsewhere, without any further or other Proof of the Document or Certificate of which it purports to be such certified Copy or Extract.

Appointment of Registrar General

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury to provide a proper Office in London or Westminster, to be called "The General Register Office of Charities," for keeping a Register of all Public Charities in England and Wales, and in the Isle of Man and the Channel Islands, and for the Deposit of all Deeds of or relating to any Charity as aforesaid, and to appoint for the said Office a Registrar General of Public Charities, and from Time

to

to Time, at pleasure, to remove the said Registrar General, and appoint some other Person in his Room.

Appointment of other Officers.

VII. The said Commissioners or any Three of them shall also appoint from Time to Time an Assistant Registrar General, and also such Clerks, Officers, and Servants as they shall deem necessary, to carry on the Business of the said General Register Office, and at pleasure remove them or any of them; and the said Commissioners shall fix the Salaries of the Registrar General, Assistant Registrar General, Clerks, Officers, and Servants in fit Proportion to the Duties they may have to perform.

Salaries how to be paid.

VIII. The Salaries of the Registrar General and of the Assistant Registrar General, Clerks, Officers, and Servants, and all Expenses of carrying on the Business of the said General Register Office, shall be paid out of any Monies which may from Time to Time be provided by Parliament for that Purpose.

Regulations for the Conduct of Officers.

IX. One of Her Majesty's Principal Secretaries of State, or the Registrar General of Public Charities, with the Approbation of such Principal Secretary, may from Time to Time make Regulations for the Management of the said General Register Office, and for the Duties of the Registrar General, Assistant Registrar General, Clerks, Officers, and Servants of the said Office in the Execution of this Act, so that they be not contrary to the Provisions herein contained, and the Regulations so made and approved shall be binding on the said Registrar General, Assistant Registrar General, Clerks, Officers, and Servants respectively.

The Registrar General to have a Seal of Office.

X. The said Registrar General shall have a Seal of Office, to be by him used in the Authentication of all certified Copies or Extracts of Deeds, Documents, and Certificates, and of all other Matters relating to his said Office in respect of which such Authentication is by this Act required.

Duty of Assistant Registrar General.

XI. The Assistant Registrar General shall, in the Absence of the Registrar General, be competent to do all Things which the Registrar General is authorized or empowered, directed or required to do, as fully and effectually, to all Intents and Purposes, as the Registrar General himself may do, and all the Provisions of this Act relating to the Signature and Seal of Office of the said Registrar General shall apply to the said Assistant Registrar General.

Payment of Fees.

XII. On the granting of a Certificate of Incorporation the Registrar General shall be entitled to demand and receive, of and from the

Person requiring such Certificate, the Sum of *Three Pounds*; on the filing of every Appointment of new Trustees after the granting of the Certificate of Incorporation, the further Fee of *Ten Shillings*.

Effect of Incorporation.

XIII. On the issuing of the Certificate of Incorporation of any Charity as aforesaid by the said Registrar General, such Charity shall become an Incorporation from the Date of such Certificate by the Name therein set forth, and for the Purposes set forth in the Trust Deed of the said Charity, and for the Purpose of suing and being sued; and such Charity shall continue so incorporated until it shall be dissolved under the Provisions of the said Trust Deed, or otherwise in due Course of Law; and whilst incorporated it shall be lawful for the said Charity and it is hereby authorized to exercise the following Powers; (namely,)

1. To use the registered Name of the Charity:
2. To have a Common Seal (whereon shall be inscribed the Name of the Charity), with Power to change the same from Time to Time:
3. To sue and be sued by its Name of Incorporation:
4. To enter into Contracts for Works:
5. To purchase and hold in the Name and for the Purposes of the said Corporation any Lands, Tenements, and Hereditaments, but not exceeding in any Case Two Acres of Land (except with a Licence for that Purpose first had and obtained from the Committee of the Privy Council for Trade, who are hereby authorized to grant such Licence):
6. To exercise such Powers of borrowing Money and of Sale and Exchange as may be prescribed by the Trust Deed of the Charity:
7. To hold Meetings under the Provisions of the Trust Deed:
8. To make Byelaws, not being repugnant to the Provisions of the Trust Deed:
9. To perform all other Acts necessary for carrying into effect the Objects of the Charity.

Providing for Payment in lieu of Fine on Death or Alienation of Copyhold Property.

XIV. Where Property held by a Corporation to be formed under this Act shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Property shall be holden, at the Expiration of every Forty Years after the Incorporation as aforesaid, so long as such Property shall belong to any Corporation as aforesaid, to receive and take a Sum corresponding to the Fine or Heriot, if any, which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof; and such Payment

Payment shall be in full of all Fines payable to the said Lord or Lady of the Manor whilst the same shall belong to such Corporation, and the said Lord or Lady shall have all such Powers for the Recovery of such Sums as such Lord or Lady would have had in the event of the Tenant or Tenants of such Property having died or having alienated the same.

Not necessary to enrol Trust Deeds in Chancery.

XV. When any Charity shall have been incorporated under this Act, it shall not be necessary to enrol any of the Deeds creating such Charity in Her Majesty's High Court of Chancery, under the Provisions of the Act of the Ninth of George the Second, Chapter Thirty-six.

Fees received by the Registrar General under this Act to be accounted for and paid into the Exchequer, pursuant to 4 & 5 W. 4. c. 15.

XVI. All Sums received under the Provisions of this Act by or on account of the Registrar General of Public Charities shall be accounted for by the said Registrar General, and paid by him, at such Times as the Commissioners of Her Majesty's Treasury from Time to Time shall direct, into the Bank of England, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of His late Majesty King William the Fourth, intituled "An Act to "regulate the Office of the Receipt of His Majesty's Exchequer of "Westminster."

Public Charities.

A

BILL

For the Incorporation of Public Charities.

(*Prepared and brought in by Mr. Pellatt and Mr. Hindley.*)

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1857.

[Bill 48.]

Under 1 *oz.*

A

BILL

TO

Confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield; and for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken.

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained, and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the *passing of this Act*, so far as the same are authorized by the said Public Certain Provisional Orders of the General Board of

Health confirmed.

Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

First Election of Local Board of Oldbury.

II. The First Election of the Local Board of Health for the District of Oldbury, for the Purposes of the said Public Health Act, shall take place on the *Twenty-fifth Day of March in the Year of our Lord One thousand eight hundred and fifty-seven.*

First Election of Local Board of Llangollen.

III. The First Election of the Local Board of Health for the District of Llangollen shall take place on the *Twenty-fifth Day of March in the Year of our Lord One thousand eight hundred and fifty-seven.*

First Election of Local Board of Dukinfield.

IV. The First Election of the Local Board of Health for the District of Dukinfield shall take place on the *Twenty-fifth Day of March in the Year of our Lord One thousand eight hundred and fifty-seven.*

First Selection and Election of Local Board for Main Sewerage District of Wisbech and Walsoken.

V. The First Selection of the Twenty-three Members of the Local Board of Health for the Main Sewerage District of Wisbech and Walsoken to be selected by the Council of the Borough of Wisbech, and the First Election of the Six Members of the said Board to be elected for and in respect of the Parish of Walsoken, shall take place on the *Twenty-fifth Day of March in the Year of our Lord One thousand eight hundred and fifty-seven.*

Proceedings of Local Board for Main Sewerage District of Wisbech and Walsoken to be valid.

VI. All the Proceedings had, and Acts, Matters, and Things done and executed, by the Local Board of Health for the Main Sewerage District of Wisbech and Walsoken, as constituted by the Provisional Order of the General Board of Health, in relation to the aforesaid District, bearing Date the Fourteenth Day of May One thousand eight hundred and fifty-two, shall be as valid and effectual as if the said Order had been made and the said Local Board had been constituted consistently in every respect with the Public Health Act, 1848.

Rates, &c. of said Local Board to be deemed valid.

VII. No Rate made or Expenditure incurred before the passing of this Act by the Local Board of Health for the Main Sewerage District of Wisbech and Walsoken, as constituted by the Provisional Order aforesaid, shall be deemed invalid or illegal by reason of any Defect in the Constitution of the said Local Board; and the said Local Board, and all Persons acting under their Authority, are hereby relieved and indemnified from and against all Proceedings whatsoever on account of the making, levying, and collecting of any such Rate, or the incurring of any such Expenditure.

VIII. This

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act, 1848, were One Act. Act incorporated with Public Health Act, 1848.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1857." Short Title.

SCHEDULE to which this Act refers.

IPSWICH.

Provisional Order for the Application of the Public Health Act to the Borough of Ipswich, in the County of Suffolk.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the Poor of and within the Borough of Ipswich, in the County of Suffolk, and within the boundaries of the said Borough, as fixed for the purposes of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed WILLIAM RANGER, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Borough, within and throughout the said boundaries, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Borough, for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Borough, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

AND WHEREAS the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

AND WHEREAS copies of the said Report, accompanied by a notice, stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

AND WHEREAS it appears upon such Report that there is a certain Local Act of Parliament in force within the said Borough, having relation to the purposes of the said Public Health Act; (that is to say,)

An Act passed in the first year of the reign of Queen Victoria, intituled "An Act for paving, lighting, cleansing, and otherwise improving the Town

Town of Ipswich, in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein."

AND WHEREAS it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Borough; and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament.

NOW THEREFORE, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand, as President of the said Board, and under its seal of office, direct:

THAT from and after the passing of any Act of Parliament confirming this Order,—

1.—IN the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's printers, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such expressions occur.

2.—So much of "The Public Health Act, 1848," as relates to corporate districts shall apply to the area comprised within the boundaries of the said Borough of Ipswich.

3.—THE Mayor, Aldermen, and Burgesses of the said Borough shall be by the Council of the said Borough the Local Board of Health under the said Public Health Act.

4.—SUCH parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as they relate to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

5.—THE powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with, the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Borough, and all places within the limits of the said Borough shall be subject to the unrepealed parts of the said Local Act.

6.—THE said Local Board shall be the Commissioners for executing the unrepealed parts of the said Local Act.

7.—THE sections of the Towns Improvement Clauses Act, 1847, with respect to—

Naming the streets and numbering the houses;

Improving the line of the streets, and removing obstructions;
Ruinous or dangerous buildings;
Precautions during the construction and repair of the sewers, streets, and houses;
The abatement of nuisances (being the sections numbered 104, 105, and 106);
The prevention of smoke;
The construction of houses for the prevention of fire;
The supplying buildings with fresh air;
Public bathing places and drying grounds, except so much thereof as requires any special order for doing anything contained therein;
Clocks:

And also the sections of the Towns Police Clauses Act, 1847, with respect to—

Obstructions and nuisances in the streets;
Fires;
Places of public resort;
Hackney carriages;
And public bathing:

Shall be incorporated with so much of the said Local Act as remains unrepealed by this Order, and with the said Public Health Act, as applied to the said Borough by this Order, and any Act of Parliament confirming the same; and the expression "The Special Act," used in the said sections, shall be construed to mean the unrepealed parts of the said Local Act, and the said Public Health Act so applied; and the expression "Limits of the Special Act," used in the same sections, shall be construed to mean the district constituted by this Order; and the expression "the Commissioners," used in the said sections, shall mean the said Local Board.

8.—ALL property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners.

9.—ALL debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith, if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Commissioners.

10.—PROVIDED ALWAYS, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

11.—PROVIDED ALSO, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

12.—ALL

12.—ALL expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Acts, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.

13.—PROVIDED ALWAYS, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things, and all existing contracts and agreements, shall be as valid with reference to the said Local Board of Health, as if the same had been done and made by or with that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board, instead of the said Commissioners, and all duties and liabilities thereunder shall attach to and be borne and discharged by the said Local Board instead of the said Commissioners.

14.—PROVIDED ALSO, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

Given under my hand as President of the General Board of Health, and under its seal of office, this Twenty-first day of January, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,)

The sections numbered respectively in the copies of the said Act printed by the Queen's printers 1 to 23, 26 to 35, 37 to 87, all inclusive.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

OLDBURY.

Provisional Order for the Application of the Public Health Act to the District of Oldbury, in the County of Worcester.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Oldbury, in the parish of Halesowen, in the county of Worcester, the General Board of Health appointed for the purposes of the Public Health Act, 1848, in pursuance of the provisions of that Act, directed WILLIAM RANGER, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

AND WHEREAS the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

AND WHEREAS copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

AND WHEREAS it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

AND WHEREAS the said Inspector, after having given such notice as is required by the said Act, did proceed with such further inquiry, and did hear all persons desirous of being heard before him on the subject of the said Report, and did make further Report according to the directions of the said Board.

AND WHEREAS copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might

might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and no such statements have been received by the said Board in relation to such Report.

AND WHEREAS it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the aforesaid parish of Halesowen as is included within the dotted line on the map accompanying the aforesaid further Report of Mr. Ranger to the General Board of Health, dated 18th April 1856, and described in the Schedule to this Order annexed; but the same cannot be done without the authority of Parliament.

NOW THEREFORE, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under the hand of the President of the said Board, and the official seal of that Board, direct:—

That from and after the passing of any Act of Parliament confirming the present Order,—

1.—THE Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said parish of Halesowen, in the county of Worcester, as is included in the dotted line aforesaid, and described in the Schedule to this Order annexed, and that the said district shall be called the "Oldbury District."

2.—THE Local Board of Health for the said district shall consist of fifteen persons, and the entire number shall be elected for the whole of the said district.

3.—ONE third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place.

4.—EVERY person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be seised and possessed of real or personal estate, or both, to the value or amount of not less than five hundred pounds, or shall be rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than fifteen pounds.

5.—AT the first election of the said Local Board, Mr. Samuel Marsh shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Samuel Marsh, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent or shall refuse to act, then Mr. Samuel Clifton shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—THE fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle

them to vote at the said first election shall be given to the said Samuel Marsh at his residence in Oldbury, or in case he shall refuse or be unable to receive the same, then to the said Samuel Clifton at his residence in Oldbury aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of January, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.) (Signed) W. COWPER.

Schedule.

The following is the description of the Boundary of the district of OLDBURY, referred to in the preceding Order:—

The boundaries of the Oldbury district (being part of the said parish of Halesowen) commence at the northern extremity of the said parish at its junction with the parishes of Rowley Regis and West Bromwich, running thence in a south-eastwardly and southern direction along the boundary between the said parishes of Halesowen and West Bromwich to the point where the parishes of Halesowen, West Bromwich, and Harborne meet, thence in a southern direction along the boundary between the parishes of Halesowen and Harborne to the turnpike-road leading out of Oldbury to or towards Birmingham, near to the Rood End toll-gate, thence across the said turnpike-road at or near to a pit or watering place at the eastern corner of a garden or pleck belonging to and in the occupation of Solomon Simpson, running thence in a southern direction along the boundary of the said parishes of Halesowen and Harborne to the south-eastern corner of a field called Brook Leasow, belonging to Richard Bloxidge, in the occupation of Samuel Underhill, thence along the south side of the said field to the south-west corner thereof, thence along the west side of the said field and of another field, also called Brook Leasow, belonging to the said Richard Bloxidge, and in the occupation of the said Samuel Underhill, to the north-west corner of the latter, thence across the foredrift or occupation-road there to the west side thereof, thence up to and along the south side of a public house situate at Rood End, known as "The Bell," belonging to the representatives of the late James Birch, and occupied by John Smith, (thereby including the said public house in the said proposed district,) thence along the south and south-west side of the lane leading from Rood End to Langley Green to the north-west corner of a garden belonging to Elizabeth Downing, in the occupation of Henry Hadley, thence along the east side of the said garden and of a field called Cob's Croft to the south-east corner of the latter, thence along part of the north and the whole of the east side of a field called Horse Leasow, which two last-mentioned pieces belong to the representatives of the said James Birch, and are occupied by William Smith, thence along the eastern sides of certain fields called Pingle Meadow, Bissell's Piece, Hilly Piece, and Highway Piece, to the south-east corner of the latter at its junction with the highway leading from a house called the Dog Kennel to Smethwick, which said pieces belong to John Sargeant, and are occupied by Daniel Darby, junior, thence along the south side of the said Highway Piece into and about half way along the south side of a field called Big Reddings, belonging to Samuel and James Sadler, and occupied by Diana Thompson, thence across the said highway

highway to the south side thereof, thence along the south side of the said highway to its junction with the road leading from the said house called the Dog Kennel to or towards Bristnall Fields to or opposite to the south corner of a field called the Croft, belonging to Joseph Shorthouse, in the occupation of George Thompson, and along the south-west side thereof, thence along the south side of a field called the Junage, and along about two thirds of the south-west side of a field called the House Piece, thence in a westward direction to the south-west corner of a garden or homestead attached to a house called Langley Hall, thence along the west side thereof up to the highway leading to Langley Green (thereby including the said Langley Hall and premises within the said proposed district), thence along the south side of a pleck at the back of some cottages belonging to Henry Sturges (thereby including the cottages within the said proposed district), which said fields called the Junage, House Piece, garden or homestead, and pleck, belong to Edward Maude, and are occupied by Diana Thompson, thence in a south-westward direction along the south-east side of certain fields belonging to Mrs. Ann Hill, and occupied by Benjamin Hadley, called Langley Green Meadow, Brick Kiln Piece, and Clay Crofts (in two parts) to the south corner of the second Clay Croft, thence in a north-westerly direction along the west side of the Clay Croft (last mentioned) and the south-west side of a field called the Eddishes, also belonging to the said Mrs. Ann Hill, and occupied by the said Benjamin Hadley, to the west corner of the latter at its junction with the highway leading from Langley Green to Causeway Green, there crossing the said highway and taking a westerly direction to the corner of the highway leading towards Titford Green, thence along the western side of two fields called Near Langley Piece and Far Langley Piece, belonging to and in the occupation of John Collins, thence along the western side of two cottages and a field called Heather Langley, belonging to the Reverend William Lewis, the former occupied by John Adams and William Parkes and the latter by Samuel Walker, thence along the western side of two fields called Little Leasow and Dingle Piece, belonging to the trustees of Fentham's Hampton in Arden Charity Estates, and occupied by Henry Bickerton Whitehouse, to the north-west corner of the latter (thereby *excluding* the cottages and gardens which lie between the highway and the last-mentioned fields from the proposed district), thence across the end of a garden belonging to William Jervis Hodgetts, in the occupation of David Turley or others, into and across the road leading from Titford Green to Oldbury, thence along the south-west side of a field called the Long Meadow, also belonging to William Jervis Hodgetts, in the occupation of John Brinton, thence across the Canal Branch belonging to the Birmingham Canal Company into a field called the Lower Field, and along the south-west side thereof, also of another field called the House Leasow, both belonging to the said William Jervis Hodgetts, in the occupation of William Hadley, to the north-west corner of the latter at its junction with the said parish of Harborne (thereby *excluding* the Canal Company's house and premises, also the houses and buildings which lie between the highway and the said last-described fields, from the proposed district), thence in a northward and westward direction, taking the boundary line between the parishes of Halesowen and Rowley Regis to the point upon which this description of the boundary of the aforesaid district commenced.

Nos. on Plan.	Names of Fields referred to.	Owners.	Occupiers.
586	House, Garden, and Pleck	Simpson, Solomon	Himself.
587	Top Stile	Smith, William	Himself.
777	Canal Feeder, &c.	Birmingham Canal Co.	Themselves.
778	Middle Gate Leasow	Downing, Sam. David	Smith, Wm.
779	The Meadow	Do.	Do.
466	House Piece	Do.	Do.
780	Garden	Smith, John	Himself.
781	Bullbrooks	Do.	Smith, William.
782	Do.	Bloxidge, Richard	Underhill, Samuel.
783	Brook Leasow	Do.	Do.
784	Do.	Do.	Do.
468	The "Bell" public house, &c.	Birch, Jas., Executors	Smith, John.
818	House and Garden	Downing, Elizabeth	Hadley, Henry.
819	Cob's Croft	Birch, Jas., Executors	Smith, William.
822	Horse Leasow	Do.	Do.
823	Pingle Meadow	Sargeant, John	Darby, Daniel, jun.
826	Bissell's Piece	Do.	Do.
827	Hilly Piece	Do.	Do.
849	Highway Piece	Do.	Do.
850	Big Reddings	Sadler, Sam., and Jas.	Thompson, Diana.
865	The Croft	Shorthouse, Joseph	Thompson, George.
866 pt.	Little Junage	Maude, Edward	Thompson, Diana.
388	In the Junage	Do.	Do.
389	House Piece	Do.	Do.
390	House, Offices, Garden, &c., Langley Hall.	Do.	Do.
396	Houses, Shops, and Gardens	Sturges, Henry	Cooper, Frederick, Fletcher, William, Bradbury, Jas., and Essex, Charles.
399	In Langley Green Meadow	Hill, Mrs. Ann	Hadley, Benjamin.
705 pt.	Do.	Do.	Do.
704	Brick-kiln Piece	Do.	Do.
703	Part of Clay Croft	Do.	Do.
702	Do.	Do.	Do.
700	The Eddishes	Do.	Do.
696	Near Langley Piece	Collins, John	Himself.
695	Far Langley Piece	Do.	Do.
694	Two Houses and Gardens	Lewis, Rev. William	Adams, John, and Parkes, William.
693	Heather Langley	Do.	Walker, Samuel.
689	Little Leasow	Hampton Charity	Whitehouse, H. B.
687	Dingle Piece	Do.	Do.
686	Houses and Gardens	Hodgetts, Wm. Jervis	Turley, David, and others.
480	Part of Long Meadow	Do.	Brinton, John.
478	Canal Feeders, &c.	Birmingham Canal Co.	Themselves.
474	Lower Field	Hodgetts, Wm. Jervis	Hadley, William.
473	House Leasow	Do.	Do.

STROUD.

Provisional Order for the Application of the Public Health Act to the Parish of Stroud, in the County of Gloucester.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of and within the Parish of Stroud, in the County of Gloucester (the number of such petitioners greatly exceeding thirty in the whole), the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed WILLIAM RANGER, Superintending Inspector, appointed for the purposes of the same Act, to visit the said Parish, and to make public inquiry, and to examine witnesses, as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Public Health Act, also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the Act.

AND WHEREAS the said Superintending Inspector, having previously given notices directed by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

AND WHEREAS copies of the said Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

AND WHEREAS it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said Parish of Stroud with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

AND WHEREAS the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

AND WHEREAS copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

AND WHEREAS it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said Parish of Stroud as lies within the distance of one mile in every direction from the Parish Church of Stroud aforesaid, and constitutes the Town of Stroud, as defined by the second section of the Act of 6 Geo. 4. c. 6. herein-after recited.

AND WHEREAS it appears upon such Report that there is a certain Local Act of Parliament in force within the said Parish, having relation to the purposes of the said Public Health Act; (that is to say,)

An Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for paving, lighting, watching, cleansing, regu- "lating, and improving the Town of Stroud, in the County of "Gloucester."

AND WHEREAS it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Town, as defined in the second section of the last herein-before recited Act of 6 Geo. 4. c. 6., and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament.

NOW THEREFORE, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand, as President of the said Board, and under the seal of the said Board, direct:—

THAT from and after the passing of any Act of Parliament confirming this Order,—

1.—IN the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's printers, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such expressions occur.

2.—"THE Public Health Act, 1848," except as herein-after excepted, shall apply to the area comprised within the boundaries of the said Town of Stroud, as defined in the second section of the aforesaid Act of 6 Geo. 4. c. 6.

3.—THE Commissioners for the time being acting in execution of the said Act "for paving, lighting, watching, cleansing, regulating, and improving the town of Stroud, in the county of Gloucester," shall be the Local Board of Health under the said Public Health Act; but after the constitution of the said Commissioners as such Local Board of Health, the provisions of the Public Health Act and this Order with respect to the election, qualification, and tenure of office of Local Boards, excepting only such provisions as relate to the first election thereof, shall apply to and be in force in the said district.

4.—SUCH parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.

5.—THE

5.—THE powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with, the said Public Health Act, or this Order, or any bye-law which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Town, and all places within the limits of the said Town shall be subject to the unrepealed parts of the said Local Act.

6.—ALL property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners.

7.—ALL debts, monies, and securities for money contracted or payable or to become payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Commissioners.

8.—PROVIDED ALWAYS, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

9.—PROVIDED ALSO, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

10.—ALL expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.

11.—PROVIDED ALWAYS, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things, and all existing contracts and agreements, shall be as valid with reference to the said Local Board of Health as if the same had been done and made by or with that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board, instead of the said Commissioners, and all duties and liabilities thereunder

shall attach to and be borne and discharged by the said Local Board instead of the said Commissioners.

12.—PROVIDED ALSO, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, before the confirmation of this Order; but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

13.—From the 25th day of March 1858 the Local Board shall consist of 18 persons, and if on the day aforesaid the said Local Board shall exceed that number, then so many of the said Board as will reduce their number to 18 shall go out of office, and the names of those so to go out of office shall be determined by ballot, and one third in number of the said Local Board so reduced to 18 persons shall go out of office on the said 25th day of March 1858, and in each year subsequently, and an equal number shall be elected in their place; but in case the day appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that third shall go out of office on the day next following.

14.—EVERY person shall, at the time of his election as member of the said Local Board, at every election to take place after the Public Health Act, 1848, has been duly applied to the said town, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

Given under my hand, as President of the General Board of Health, and under the seal of the said Board, this Twelfth day of January in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,)

The sections numbered respectively in the copies of the said Act printed by the Queen's printers 1 to 14, both inclusive, 15, except the proviso to the section so numbered, 16 to 21, 46 to 51, 60 to 77, all inclusive, 79, 82 to 96, 101 to 118, all inclusive.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

LLANGOLLEN.

Provisional Order for the application of the Public Health Act, 1848, *to the District of Llangollen, in the County of Denbigh.*

GENERAL BOARD OF HEALTH.

WHEREAS, in pursuance of the Public Health Act, 1848, the General Board of Health, appointed for the purposes of the said Act, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of LLANGOLLEN, in the County of Denbigh, (the number of the said Petitioners exceeding thirty in the whole,) directed THOMAS WEBSTER RAMMELL, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

AND WHEREAS the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

AND WHEREAS copies of the said Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited, as required by the said Act.

AND WHEREAS it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the said Act were not the same as those of the said Parish with respect to which the said inquiry had been made, the said Board caused ALFRED LAMERTE DICKENS, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

AND WHEREAS the said last herein-before named Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundaries proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

AND WHEREAS copies of such further Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

AND WHEREAS it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to a district comprised within so much of the boundaries set forth and described in the Schedule to this Order annexed, and shown by the red line on the map accompanying Mr. Dickens's printed Report to the General Board of Health, bearing date the 30th July 1856, as lies within the aforesaid Parish of Llangollen, and described on that map as the "Boundary of the proposed new District;" but the same cannot be done without the authority of Parliament.

NOW THEREFORE, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand as President of the said Board, and under its official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order —

1.—THE Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout so much of the entire area, places, and parts of places acomprised within the boundaries set forth and described in the Schedule to this Order annexed,) and shown by the red line, described as the "Boundary of the proposed new District," on the map accompanying Mr. Dickens's printed Report to the General Board of Health, bearing date the 30th July 1856,) as lies within the aforesaid Parish of Llangollen, being the parts within which the said inquiry and further inquiry have been made, and that such area places, and parts of places so comprised within the said Parish of Llangollen shall be and constitute a district, for the purposes of the said Public Health Act, to be called the Llangollen District.

2.—THAT the Local Board of Health, to be elected under the said Public Health Act, shall consist of nine persons to be elected for the whole of the said District.

3.—THAT one third in number of the said Local Board shall go out of office on the Twenty-fifth day of March in each year subsequent to that in which the first election of the said Local Board takes place.

4.—THAT every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office, by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than three hundred pounds, or shall be so resident and rated to the relief of the poor of the said parish, or of some township or place of which some part is within the said District, upon an annual value of not less than fifteen pounds.

5.—That

5.—THAT at the first election of the said Local Board, Major Charles John Tottenham, of Berwyn House, near Llangollen, shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Major Tottenham, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Ebeneezer Cooper, Gentleman, of Llangollen, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed; and the said chairman may be elected a member of the said Local Board.

6.—THAT the fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Major Tottenham, at Messrs. Richards's Offices at Llangollen; or in case he shall refuse or be unable to receive the same, then to the said Ebeneezer Cooper, at his residence at Llangollen.

Given under my Hand and under the Seal of the General Board of Health, this Fifteenth day of December, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

THE boundary of the District of the Llangollen Local Board of Health, referred to in the preceding Order, is marked by a red line upon the map accompanying Mr. Dickens's Report, addressed to the President of the General Board of Health, and bearing date the 30th July 1856, the said red line being described on that map as the "Boundary of proposed new District;" but the said boundary is only to be taken to include the portions of the parish of Llangollen lying within it, and not to include any part of the adjoining parish of Llantysilio. The said red line is formed on the north-west and south-east sides by a circle drawn from the centre of the tower of the parish church at a radius of one mile and three furlongs; and on the north-east and south-west sides by lines drawn at a distance of one mile from the centre of the tower of the church at right angles to a line drawn through the centre of the tower of the said parish church and the centre of Castle Dinas Bran, until such lines intersect the before-mentined circle drawn at a radius of one mile and three furlongs from the centre of the tower of the church,—the District of the said Local Board being confined to those portions of the parish of Llangollen alone which are included within the said red line, and not to comprise any portions of the adjoining parish of Llantysilio.

DUKINFIELD.

Provisional Order for the Application of the Public Health Act, 1848, to the District of Dukinfield, in the County of Chester.

GENERAL BOARD OF HEALTH.

WHEREAS, in pursuance of the Public Health Act, 1848, the General Board of Health, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within so much of the Township of DUKINFIELD in the County Palatine of Chester as is not included within the limits or boundaries of the Town of Stalybridge, the said portion of the said Township being commonly called Dukinfield, and being a place having a well-known or defined boundary, (the number of the said petitioners exceeding thirty in the whole,) directed WILLIAM RANGER, one of their Superintending Inspectors, to visit the said part of the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said part for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said part of the said Township, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

AND WHEREAS the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

AND WHEREAS copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

AND WHEREAS it appears upon such Report that there is a certain Local Act in force within the said part of the said Township having relation to the purposes of the said Public Health Act, that is to say,

> An Act passed in the Sixth year of the Reign of King William the Fourth, intituled "An Act for better supplying with Water the Township of Dukinfield in the County Palatine of Chester."

AND WHEREAS it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said portion of the said Township; but the same cannot be done without the authority of Parliament.

NOW, THEREFORE, the said General Board of Health, in pursuance of the powers vested in them by the Public Health Act, 1848, do, by this Provisional Order under the hand of their President, and under their official seal, order and direct,

THAT

THAT from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this order :—

1.—THE Public Health Act, 1848, shall apply to so much of the Township of Dukinfield in the County Palatine of Chester as is not included within the limits or boundaries of the Town of Stalybridge, and that the portion of the Township to which the said Act is so applied shall be called the Dukinfield District.

2.—THE Local Board of Health shall consist of fifteen persons, to be elected for the whole of the said District.

3.—ONE THIRD in number of the said Local Board shall go out of office on the twenty-fifth day of March in each year subsequently to that in which the first election takes place.

4.—EVERY person shall, when elected, and while he continues a member of the said Local Board, be resident, as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of the said Township upon an annual value of not less than thirty pounds.

5.—AT the first election of the said Local Board, William Bass, Esquire, of Dukinfield Lodge, Dukinfield, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said William Bass, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Edward Hyde, Esquire, of Oxford Road, Dukinfield, shall perform such of the said duties as then remain to be performed.

6.—THE fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Bass, at his residence, Dukinfield Lodge aforesaid, or in case he shall refuse or be unable to receive the same, then to the said Edward Hyde, at his residence in Oxford Road, Dukinfield, aforesaid.

Given under my hand and under the Seal of the General Board of Health, this Twelfth day of February in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.) (Signed) WILLIAM MONSELL.
President.

WISBECH AND WALSOKEN.

Provisional Order for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken.

GENERAL BOARD OF HEALTH.

WHEREAS, by a Provisional Order of the General Board of Health, bearing date the 14th day of May, 1852, confirmed by the Public Health Supplemental Act, 1852, (No. 2,) the Public Health Act, 1848, was applied to the District

of Wisbech, in the County of Cambridge, for all purposes of that Act, and to the District of Wisbech and Walsoken, in the Counties of Cambridge and Norfolk, for the purposes of main sewerage only.

And whereas it appears to the General Board of Health that alterations should be made in certain provisions of the said Order, numbered 4, 7, and 8 respectively, for the constitution of the Local Board of Health for the said Main Sewerage District of Wisbech and Walsoken.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the alteration of the said provisions.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the said provisions should be altered, but the same cannot be done without the authority of Parliament.

Now therefore, the said General Board of Health, in pursuance of the power vested in them by the Public Health Act, 1848, under the hand of their President and under their official seal, order and direct:—

That from the passing of any Act of Parliament confirming this Order—

1.—The provisions numbered 4, 7, and 8 in the said Provisional Order shall be repealed.

2.—The Local Board of Health for the said Main Sewerage District of Wisbech and Walsoken shall consist of the Mayor for the time being of the said Borough of Wisbech and twenty-nine other persons, of whom twenty-three shall be selected by the Council of the said Borough out of their own number, or out of the persons qualified to be councillors of the said Borough, and six shall be elected by the owners of, and ratepayers in respect of, property situated within the said Parish of Walsoken.

3.—The qualification, going out of office, and the day of election of the members to be elected for the said Parish shall remain as fixed by the herein-before recited Provisional Order.

4.—The Mayor for the time being of the Borough of Wisbech shall conduct the first election of the six persons to be elected members of the Local Board for the said Main Sewerage District; and in case the said Mayor, from illness or other sufficient cause, shall be unable to conduct the said election, or shall refuse to act, then the clerk for the

the time being of the Local Board of Health of the said Borough, for all purposes of the Public Health Act, shall act in his stead.

5.—THE fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election of such six members, as last aforesaid, shall be given to the said Mayor at the office of the said Local Board of Health of the said Borough, in Wisbech Saint Peter, in the said Borough, or, in case he shall refuse or be unable to receive the same, then to the said clerk at the same place.

Given under my Hand as President of the General Board of Health, and under the Seal of the said Board, this Second day of February, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.) (Signed) W. COWPER.

Public Health Supplemental Bill (1857).

A

B I L L

To confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield; and for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken.

(*Prepared and brought in by Mr. Cowper and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 16 *February* 1857.

[Bill 16.]

Under 3 oz.

A

BILL

TO

Amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses.

Preamble. 19 & 20 Vict. c. 82.

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, an annual Duty of Three Pounds Seventeen Shillings was imposed for every Race Horse, and it is expedient to amend the Provisions of the said Act regulating the Collection of the said Duty: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duty imposed by said Act to be paid to the Receiver of Race-horse Duty previously to the starting of the Race Horse.

I. Previously to the starting or running of a Race Horse at any Race, the Duty by the said Act imposed shall be paid by or on behalf of the Owner or Trainer or other Person having charge of the Horse, to an Officer to be appointed by the Commissioners of Inland Revenue for the Purpose of receiving the same, and to be called the Receiver of Race-horse Duty, who shall give a Receipt for the Duty in such Form and with such Particulars as herein-after mentioned; and such Payment and Receipt shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the Year ending on the *Fifth*

Day

Day of April next after such Payment; and if the Owner or Trainer or other Person having charge of any Race Horse shall neglect or omit to pay the said Duty to the said Receiver, and require and take from him such Receipt as aforesaid for the same, previously to the starting or running of such Horse at any Race in any Year ending as aforesaid, such Owner, Trainer, or other Person as aforesaid shall for every such Neglect or Omission forfeit the Sum of *Fifty Pounds*.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.

II. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts with Counterfoils for the said Duty, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race Horse, and the Name of the Owner of such Horse, or the Name of the Person paying the Duty, and also the Date of the actual Payment of the said Duty; and the said Commissioners shall supply a proper and sufficient Number of such Forms to the said Receiver of Race-horse Duty, from Time to Time, whenever he shall apply for the same.

Receiver of Race-horse Duty to give Receipt for Duty on printed Form, and fill up Counterfoil.

III. Whenever the said Duty for any Race Horse shall be paid to the said Receiver of Race-horse Duty, or to any Person employed or authorized by him to receive the same (and for such Person the said Receiver shall be answerable), the said Receiver shall give or cause to be given to the Person paying the said Duty a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by the said Receiver with his own Hand, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

To be accountable for Forms of Receipts and Counterfoils supplied to him.

IV. The Receiver of Race-horse Duty shall be chargeable with and accountable in manner herein-after mentioned for every such Book of printed Forms of Receipts and Counterfoils with which he shall have been supplied, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Receiver, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Receiver, and not produced by him to such Officer, the said Receiver shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly,

accordingly, as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To give Security, and pay over Monies to Receiver General of Inland Revenue.

V. The Receiver of Race-horse Duty shall give such Security, by Bond, with Sureties or otherwise, as the Commissioners of Inland Revenue may deem sufficient and require for duly accounting for and paying over the said Duties, and shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Receiver General of Inland Revenue, or to such other Officer as the said Commissioners may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Receiver of Race-horse Duty, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, he shall have and be entitled to an Allowance at the Rate of *One Shilling* in the Pound on all such Monies paid over by him as aforesaid; and such Allowance shall be paid to him by the said Receiver General or other Officer by Warrant of the said Commissioners.

To have an Allowance for due Payment and Performance of Duty.

Penalty on Receiver of Race-horse Duty for Neglect of Duty.

VI. If the Receiver of Race-horse Duty shall neglect or omit to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Injunction or Direction herein contained, he shall for every such Offence forfeit the Sum of *Fifty Pounds*.

Sections of former Act repealed.

VII. Sections Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven of the said Act, and so much of Section Twelve as enacts that the Person by whom or in whose Name any Race Horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race Horse, shall be and the same are hereby repealed.

Race-horse Duty Act Amendment.

A

BILL

To amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses.

(Prepared and brought in by the Chancellor of the Exchequer and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 10 *March* 1857.

[Bill 43.]

Under 1 *oz.*

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Reformatory Schools Bill.

ARRANGEMENT OF CLAUSES.

Justices of a County in Quarter Sessions may resolve to provide a Reformatory School; Sect. 1.

Notice of the proposed Resolution to be given; 2.

Like Powers to Council of Boroughs having separate Sessions of the Peace; 3.

Justices or Council providing Reformatory Schools for their County or Borough alone to have the like Powers as for providing Gaols; 4.

Justices may appoint Committee to make Agreements with other Counties or Boroughs; 5.

Council of Borough may appoint a Committee of Justices for the like Purpose; 6.

Term of Office of Committee-men; 7.

Committees to unite to form One Committee; 8.

Particulars to be stated in the Agreement. Current Expenditure to be stated; 9.

Agreements to be approved by the Justices and Councils separately, and by a Principal Secretary of State; 10.

Joint Committee to carry the Agreement into execution; 11.

Joint Committee to have like Powers with Justices for the Purchase of Land and Contracts; 12.

Treasurer to be appointed; 13.

Orders for Money; 14.

Plans to be submitted to Secretary of State; 15.

Visitors to be appointed by Justices or Council acting alone; 16.

Joint Committee to appoint Visitors; 17.

Term of Office of Visitors; 18.

Visitors to frame and submit Rules to Secretary of State; 19.

Schools to be inspected by an Inspector of Prisons, and certified by Secretary of State; 20.

Powers of Visitors; 21.

Monies how to be raised; 22.

Revision of the Agreement executed by Joint Committees; 23.

Disputes to be settled by Arbitration; 24.

Provisions of 17 & 18 Vict. c. 86., 18 & 19 Vict. c. 87., and 19 & 20 Vict. c. 109. to apply to Reformatory Schools under this Act; 25.

Offenders sent from the Counties or Boroughs providing or contributing to the School to be received therein in pursuance of Sentence or Order; 26.

Justices or Council may grant Money in aid of Reformatory Schools; 27.

Interpretation; 28.

Extent of Act; 29.

A

B I L L

TO

Facilitate the Establishment of Reformatory Schools in England.

FOR facilitating the Establishment of Reformatory Schools in England, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions, or at any Adjournment thereof, to consider the Expediency of providing a Reformatory School for youthful Offenders either for such County alone, or for such County in conjunction with any other County or Counties, Borough or Boroughs, and if they resolve so to do, such Justices may proceed as herein-after mentioned. Justices of a County in Quarter Sessions may resolve to provide a Reformatory School.

II. With the Notice required by Law of the Time of holding any such General or Quarter Session, or Adjournment thereof, Notice shall be given of the Day on which any Resolution for providing a Reformatory School is to be considered, and the Clerk of the Peace of the County shall give such Notice as last mentioned, on the Requisition of any *Five* Justices acting for such County. Notice of the proposed Resolution to be given.

Like Powers to Council of Boroughs having separate Sessions of the Peace.

III. It shall be lawful for the Council of any Borough having a separate Court of Sessions of the Peace, at a Special Meeting of such Council to be called for that Purpose, to consider the Expediency of providing a Reformatory School, either for such Borough alone, or for such Borough in conjunction with any other County or Counties, Borough or Boroughs, and if such Council resolve so to do, they may proceed as herein-after mentioned.

Justices or Council providing Reformatory Schools for their County or Borough alone to have the like Powers as for providing Gaols.

IV. Where the Justices of any County or the Council of any Borough, as the Case may be, resolve to provide a Reformatory School for the County or Borough alone, such Justices or Council so resolving may proceed to provide such Reformatory School accordingly, and for that Purpose shall have the like Powers for contracting, purchasing Land and Property, erecting Buildings, or otherwise providing such School, as they have in relation to the building and providing of a Gaol for the County or Borough (where a Gaol is to be built or otherwise provided for a County or Borough), and for such Purpose at the Sessions or Special Meeting of Council at which the Resolution for providing such School shall have been passed, or at any subsequent Sessions or Adjournment thereof, or Special Meeting of the Council, as the Case may be, such Justices or Council respectively may take such Measures as shall appear to them to be requisite; and all the Enactments for and concerning the purchasing, selling, conveying, and taking Lands and other Property for the Purposes of a Gaol, and for ascertaining the Value of Land and Property, and for the Application of the Compensation for the same, and all other Provisions of the Acts relating to and consequent upon such Purchases and the building of Gaols, shall extend to and be applicable for the Purposes of Reformatory Schools to be provided under this Act.

Justices may appoint Committee to make Agreements with other Counties or Boroughs.

V. Where the Justices of the Peace of any County resolve to provide a Reformatory School for their County in conjunction with any County or Counties, Borough or Boroughs, they shall appoint not less than *Three* and not more than *Five* Justices for their County to be a Committee for treating for the Purpose, and otherwise executing this Act, and from Time to Time at their Quarter Sessions or at any Adjournment thereof may fill up any Vacancy in such Committee.

Council of Borough may appoint a Committee of Justices for the like Purpose.

VI. Where the Council of any Borough resolve to provide a Reformatory School for their Borough in conjunction as aforesaid, they shall appoint not less than *Three* and not more than *Five* Justices for such Borough to be a Committee for treating for the Purpose, and otherwise executing this Act, and from Time to Time at

at a Meeting of the Council may fill up any Vacancy in their Committee.

Term of Office of Committee-men.

VII. The Committee-men appointed by any Justices and Council respectively shall continue in Office for such Period not less than *One Year* as the Justices or Council appointing the Committee shall direct, and on or after the Expiration of such Term such Justices or Council may again appoint a Committee as aforesaid.

Committees to unite to form One Committee.

VIII. The Committees appointed as aforesaid shall be deemed to represent severally each of the constituent Parties, and shall meet and form One Joint Committee for the Despatch of Business, and shall draw up an Agreement for providing a Reformatory School, which Agreement when signed by the greater Number of the Justices severally representing each of the constituent Parties, and approved as herein-after directed, shall be absolutely binding upon all the said Parties.

Particulars to be stated in the Agreement.

IX. Every such Agreement shall specify the following Particulars; viz.,

The Place where the Reformatory School is to be situated:

The Number of Juvenile Offenders for which it is proposed that Accommodation should be provided:

The Proportion in which the Expenses of purchasing the Site and of building, finishing, and fitting up such School, or of altering or enlarging any Buildings for the Purpose (as the Case may be), shall be borne by each of the contracting Parties:

The Salaries proposed to be paid annually to the Governor and such other Officers and Assistants as may be therein specified:

Current Expenditure to be stated.

The Proportions in which such Salaries and the Expenses of the ordinary Repairs of the School and Buildings, and the Government of the School, the Maintenance and Management of the Inmates, and all other ordinary and current Expenses of the said School, and the Expenses of the Joint Committee, shall be apportioned on each of the contracting Parties:

The Period of Time, not less than *Three Years*, for which the First Agreement for this last-mentioned Proportion shall endure; provided always, that at the Expiration of the specified Period the Agreement shall continue in force until altered and renewed as herein-after directed:

And if the Joint Committee think fit, the Agreement may also state the respective Number of Offenders which may be required to be received or kept in the School from or on behalf of each County and Borough represented in the Joint Committee.

Agreements to be approved by the Justices and Councils separately, and by a Principal Secretary of State.

X. When the Agreement shall have been so signed the Joint Committee shall report it for Approval to the General or Quarter Sessions of the Peace of every County represented in such Joint Committee, and to a Special Meeting of the Council of every Borough so represented, and shall deliver to the Court and Council respectively a Duplicate of the Agreement to be filed by the Clerk of the Peace and by the Town Clerk respectively, to be by them kept with the Records of the several Parties aforesaid; and no such Agreement shall be valid until the same shall have been approved as aforesaid, and shall also have been submitted to and approved by One of Her Majesty's Principal Secretaries of State; provided that if such Agreement be not approved as required by this Act, it shall be lawful for the constituent Parties severally to refer the same back for Reconsideration to the said Joint Committee, after which the same shall be again reported until finally approved as aforesaid, or until any of the Parties shall break off the Agreement.

Joint Committee to carry the Agreement into execution.

XI. As soon as any such Agreement shall have been approved as aforesaid the said Joint Committee shall re-assemble for the Purpose of carrying the said Agreement into execution, and shall elect a Chairman, who in all Cases of an Equality of Votes shall have a Casting Vote, and shall appoint a Clerk, and shall make Regulations with respect to their future Meetings, and the Mode of convening the same: Provided also, that it shall not be lawful for such Committee to do any Act unless there shall be present at such Meeting at least One Justice representing each of the contracting Parties.

Joint Committee to have like Powers with Justices for the Purchase of Land and Contracts.

XII. All the Powers which under this Act where the Justices of a County have resolved to provide a Reformatory School for their County alone would be vested in such Justices for contracting, purchasing Land and Property, erecting Buildings, or otherwise providing such Reformatory School, shall, save as herein expressly provided, be vested in any Joint Committee under this Act for the Purpose of providing any Reformatory School which such Joint Committee has to provide; and all Things which for the Purposes aforesaid should be done at any General or Quarter Session of the Peace by the Justices of a County shall, in respect of any Contracts or Purchases to be made by a Joint Committee under this Act, be done by such Joint Committee at Special Meetings to be called for the Purpose.

Treasurer to be appointed.

XIII. The Joint Committee shall appoint a Treasurer who shall not be the Clerk of the Committee, and the Treasurer shall receive and pay all Monies to be received or to be disbursed by Order of the Committee, and such Treasurer shall give such Security for faithful Performance

Performance of his Duty as the Committee shall direct, and shall receive such Salary as shall be directed in the Agreement, or in default thereof as the Committee shall direct.

Orders for Money.

XIV. The Joint Committee from Time to Time shall estimate what Money will be required for Payment of the Expenses already incurred or to be incurred in carrying into effect the Provisions of this Act, and shall make an Order accordingly, and their Clerk shall forthwith send a Copy of such Order, signed by the Chairman, mentioning the Sum of Money to be paid by virtue thereof according to the Proportions defined by the Agreement then in force by each County or Borough being severally contracting Parties as aforesaid, to the Treasurers of such Parties respectively, which Treasurers shall forthwith out of the Monies in their Hands, or if those Monies shall be insufficient, then so soon as sufficient Monies shall come to their Hands, pay the Sum required to the Treasurer of the said Committee.

Plans to be submitted to Secretary of State.

XV. Provided always, That before the Works for erecting or providing any Reformatory School under this Act are begun, or any Contract is finally entered into for such Works (either by Justices or a Council acting for their County or Borough alone, or by any such Joint Committee as aforesaid), the Plan of such School and Works, together with the Estimates of the Expense of completing the same, shall be submitted to and approved by One of Her Majesty's Principal Secretaries of State.

Visitors to be appointed by Justices or Council acting alone.

XVI. Where a Reformatory School is to be provided by the Justices of a County or by the Council of a Borough for their County or Borough alone, such Justices in General or Quarter Sessions or at any Adjournment thereof, or such Council at any Special Meeting, shall from Time to Time appoint Visitors of such Reformatory School, and fill up Vacancies among such Visitors; such Visitors in the Case of a County to be not more than *Seven* nor less than *Three* of the Justices of such County, and in the Case of a Borough to be not more than *Five* nor less than *Three* of the Justices of such Borough.

Joint Committee to appoint Visitors.

XVII. Where a Reformatory School is provided by a Joint Committee, such Committee shall from Time to Time nominate for each of the contracting Parties One Justice acting for the County or Borough for which he is appointed, and such Justices shall be the Visitors of such School; provided that where there are Two or not more than Three such contracting Parties *Two* such Visitors may be appointed for each contracting Party.

Term of Office of Visitors.

XVIII. The Visitors appointed under this Act shall continue in Office for such Period not less than *One Year* as the Justices, Council, or Joint Committee respectively by whom they are appointed shall fix; but every Visitor on the Expiration of his Term of Office shall be capable of being re-appointed.

Visitors to frame and submit Rules to Secretary of State.

XIX. The Visitors of each Reformatory School shall frame and submit to One of Her Majesty's Principal Secretaries of State Rules and Regulations for the Government and Conduct of such School, and no such Reformatory School shall be opened for the Reception of Juvenile Offenders until such Rules and Regulations have been approved by such Secretary of State, and any such Rules and Regulations for the Time being in force may from Time to Time be revoked or altered by the Visitors, with such Approval as aforesaid.

Schools to be inspected by an Inspector of Prisons, and certified by Secretary of State.

XX. When any Reformatory School, or a sufficient Part thereof, is completed for the Reception of Juvenile Offenders, and Rules and Regulations for the Government and Conduct thereof have been framed and approved as aforesaid, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Application by or on behalf of the Justices, Council, or Joint Committee by which the same shall have been provided, to direct One of Her Majesty's Inspectors of Prisons to examine and report to him upon its Condition, and any such School as shall appear to the Satisfaction of such Secretary of State, and shall be certified under his Hand and Seal to be so provided, and subject to such Rules and Regulations as to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act; provided that it shall be lawful for any of Her Majesty's Inspectors of Prisons to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid, and if upon the Report of any such Inspector the said Secretary of State shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Visitors of the School, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Powers of Visitors.

XXI. The Officers and all Persons employed in and about a Reformatory School shall be appointed and may be removed from Time to Time by the Visitors thereof, and such Visitors shall from Time to Time visit such School, and, subject to the Rules and Regulations for the Time being in force, shall have the Management, Direction, and Control of such School; but all the Expenditure of and in relation to such Reformatory School shall be directed and controlled by the Justices of the County or Council of the Borough where there is no Joint Committee, and where there is a Joint Committee

mittee then by such Committee, subject to the Terms of the Agreement and the Provisions of this Act.

Monies how to be raised.

XXII. All Monies to be paid under this Act by any Justices or Council acting for their County or Borough alone for building or enlarging any Reformatory School or Buildings shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by the Justices or Council respectively for building, rebuilding, or enlarging any Gaol under their respective Management; and all Monies to be paid for the current annual Expenses of such Reformatory School, and defraying all other Charges incurred by such Justices and Council respectively in relation to such Reformatory School, shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by the Justices of any County or the Council of any Borough for defraying the ordinary current Expediture of their several Gaols; and any Monies to be paid towards the several Purposes aforesaid by the Justices of a County or Council of a Borough under any Agreement where a Joint Committee is appointed under this Act shall be raised by such Justices or Council in like Manner and subject to the like Conditions.

Revision of the Agreement executed by joint Committees.

XXIII. Where a Reformatory School is provided by a Joint Committee under this Act, on or at any Time after the Termination of the Time limited by the Agreement touching the Proportion to be contributed by each of the contracting Parties towards the current annual Expenditure of the School, the Joint Committee may, on the Proposal of any Member or Members, resolve on a revised Proportion, and also a Period, being not less than *Seven* Years, for which such revised Proportion shall endure, and also on any other Variation in the Terms of the Agreement which they may deem reasonable in consequence of such revised Proportion: Provided always, that no such Proposal shall be made at such Joint Committee unless the Intention to propose such Alteration be mentioned in the Notice whereby the Joint Committee Meeting is summoned.

Disputes to be settled by Arbitration.

XXIV. When the Joint Committee shall resolve that any such Alteration ought to be made, or shall not adopt the Proposal for making any such Alteration, and any of the contracting Parties shall be dissatisfied with the Decision, it shall be lawful for the Clerk of the Peace of any County, or the Town Clerk of any Borough represented in the Joint Committee, authorized respectively by an Order from the Court of Quarter Sessions of such County or from the Town Council of such Borough in Special Council assembled, to apply to One of the Prison Inspectors appointed by the Secretary of State to visit such Reformatory School, and such Inspector shall

have Power to arbitrate between the said Parties; and the said Arbitrator may summon the several Clerks of the Peace and Town Clerks of the several contracting Parties, any Officers of the School, and such other Persons employed in relation thereto as he may require, to appear before him at Times to be by him appointed, and to given Evidence, and to produce all Information touching the Matter in dispute; and such Arbitrator may, if he think fit, administer an Oath to any Witness, and examine any Witness on Oath, and shall by his Award in Writing determine the Matters in dispute, and declare the Proportion to be contributed by each of the contracting Parties, and his Award shall be final and conclusive between the Parties for Seven Years, and until the Proportion is altered in like Manner as herein provided in the Case of the original Agreement, and such Arbitrator shall assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Provisions of 17 & 18 Vict. c. 86., 18 & 19 Vict. c. 87., and 19 & 20 Vict. c. 109. to apply to Reformatory Schools under this Act.

XXV. All the Provisions of the Acts of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, and of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighty-seven, and of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and nine, having reference to the Reformatory Schools within the Meaning of the First of the said Acts, shall extend and be applicable to Reformatory Schools certified under this Act in the same Manner as if in all the Enactments of the said Acts where a Reformatory School is mentioned or referred to the Reformatory Schools under this Act were included in such Description.

Offenders sent from the Counties or Boroughs providing or contributing to the School to be received therein in pursuance of Sentence or Order.

XXVI. Provided always, That where a Reformatory School is provided under this Act for a County or Borough, either alone or in conjunction with any contracting Party or Parties, it shall be imperative on the Visitors or Officers of such Reformatory School to receive therein any juvenile Offenders convicted within such County, or within or in respect of Offences committed within such Borough, (as the Case may be,) who may be sent to such School, under the Sentence or Order of the Court, Judge, or Magistrate, or the Chairman or Deputy Chairman of the Court, by whom such Offenders shall have been sentenced, and it shall not be necessary for such Court, Judge, Magistrate, Chairman or Deputy Chairman, to ascertain or state the Willingness of the Managers to receive any such Offenders; but so that it shall not be imperative on the Visitors or Officers where the Reformatory School has been provided by a Joint Committee to receive any such Offenders from or on behalf of any contributory County or Borough beyond the Number if any, which may have been limited by the Agreement for that Purpose,

Purpose, nor in any Case to receive Offenders beyond the Number for which Accommodation has been provided.

Justices or Council may grant Money in aid of Reformatory Schools.

XXVII. It shall be lawful for the Justices of any County in General or Quarter Sessions, or at any Adjournment thereof, and for the Council of any Borough having a separate Court of Sessions of the Peace at a Special Meeting of such Council (Notice in each Case having been given as herein required in the Case of providing a Reformatory School), to grant Money in aid of Reformatory Schools established in whole or in part by voluntary Contributions, or about to be established by means in whole or in part of such Contributions. Such Aid may be given by Payment of a Sum in gross or by annual or other periodical Payments, and subject or without being subject to any Conditions, as the Justices or Council may think fit. The Sums in gross so granted shall be raised in like Manner as Sums for building or providing a Reformatory School, and the annual or other periodical Payments shall be raised in like Manner as the current Expenses of a Reformatory School would be raised under this Act by such Justices or Council respectively.

Interpretation.

XXVIII. In this Act the Word "County" shall mean and include every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace, and the Word "Borough" shall include every City or other Place mentioned in the Schedules to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six (to provide for the Regulation of Municipal Corporations in England and Wales), or to which a Charter of Incorporation has since been granted.

Extent of Act.

XXIX. This Act shall extend only to England.

Reformatory Schools.

A

BILL

To facilitate the Establishment of Reformatory Schools in England.

(Prepared and brought in by Sir George Grey and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1857.

[Bill 6.]

Under 2 oz.

Registration of Long Leases (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Long Leases and Assignations registerable in Register of Sasines; Sect. 1.

Long Leases executed after Act not to make faith against Singular Successors, unless recorded; 2.

Assignations of recorded Leases; 3.

Assignations in Security; 4.

Where Party presenting for Registration not original Lessee or Assignee; 5.

Translation of Assignations in Security. Creditor's Entry to Possession in default of Payment; 6.

Heir may complete Title by Writ of Acknowledgment; 7.

Heir or Disponee may complete Title, by recording Notarial Instrument; 8.

Where Assignee has died without recording Assignation, Mode of making up Title; 9.

Adjudgers to complete Right by recording Abbreviate; 10.

Trustees on sequestrated Estate may be entered on Register; 11.

Preferences regulated by Date of recording. Transfer only valid in manner mentioned in Act; 12.

Renunciations and Discharges to be recorded; 13.

Entry of Decree of Reduction; 14.

Mode of registering. Extracts to make faith; 15.

Registration equivalent to Possession; 16.

Leases, with Obligation to renew, registerable; 17.

No Leases executed after Date of Act of more than 50 Acres to be registerable; 18.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act; 19.

Sub-Leases posterior to Act not within Act; 20.
Sub-Leases for more than Nineteen Years not effectual against Singular Successor; 21.
Import of Clauses in Schedules; 22.
Short Title; 23.
SCHEDULES.

A

B I L L

TO

Provide for the Registration of Long Leases in Scotland, and Assignations thereof.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Long Leases and Assignations thereof registerable in Register of Sasines.

I. From and after the *passing of this Act*, it shall be lawful to record in the General Register of Sasines in Scotland Leases, whether executed before or after the passing of this Act, for a Period of *Fifty* Years, and for any greater Number of Years that shall be stipulated of Lands and Heritages in Scotland other than Lands and Heritages held by Burgage Tenure, and the Assignations, Assignations in Security, and Translations thereof herein-after mentioned, and to record in the several Burgh Registers Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held by Burgage Tenure, and the Assignations, Assignations in Security, and Translations thereof.

Long Leases executed after Act not to make faith against Singular

II. No Lease for a Period of *Fifty* Years or upwards, executed after the *passing of this Act*, and registerable under this Act, shall make faith or be effectual against any Singular Successor in the Lands and Heritages thereby let, unless it shall have been recorded,

Successors, unless recorded.

as herein provided, prior to the Infeftment of such Singular Successor, anything in an Act of the Parliament of Scotland passed in the Year One thousand four hundred and forty-nine, and intituled "The "Buyers of Lands should keep the Tacks set before the buying," to the contrary notwithstanding.

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party in Right of such Lease, and whose Right is recorded in Terms of this Act, in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, by Assignation, in the Form as nearly as may be of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right in and to such Lease to the Exten tassigned.

Assignations in Security.

IV. It shall be lawful for the Lessee in Right of any such Lease recorded as aforesaid, and whose Right thereto is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, in Security for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, in the Form as near as may be of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, expede an Instrument, under the Hand of a Notary Public, in the Form as nearly as may be of the Schedule (C.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Instrument.

Translation of Assignations in Security.

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the Form as nearly as may be of the Schedule (D.) to this Act annexed; and the recording of such Translation shall fully and effectually vest the Party in whose Favour it was granted with the Right of the Granter thereof in such Assignation in Security to the Extent assigned;

Creditor's Entry to

and the Creditor or Party in Right of such Assignation in Security shall

shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for *Six* Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Sub-tenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease.

Possession in default of Payment.

VII. It shall be competent for the Heir of any Party who shall have died vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form as nearly as may be of the Schedule (E.) to this Act annexed; and the recording of such Writ in the Register in which such Lease or Assignation in Security is registered shall complete the Title of such Heir to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir may complete Title by Writ of Acknowledgment.

VIII. It shall be competent to the Heir or General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Title of such Heir or Disponee to such Lease or Assignation in Security.

Heir or Disponee may complete Title by recording Notarial Instrument.

IX. Where any Assignation, Assignation in Security, or Translation granted in pursuance of this Act shall not have been registered as aforesaid in the Lifetime of the Grantee in such Writ respectively, it shall be competent to the Heir or General Disponee of such Grantee to make up his Title by expeding an Instrument under the Hand of a Notary Public in the Form, as nearly as may be, of the Schedule (F.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being presented to him, but not otherwise, shall

Where Assignee has died without recording Assignation, Mode of making up Title.

thereupon record such Assignation, Assignation in Security, or Translation, together with the said Instrument.

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security.

Trustees on sequestrated Estate may be entered on Register.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Right of such Trustee to such Lease or Assignation in Security.

Preferences regulated by Date of recording Transfer only valid in manner mentioned in Act.

XII. All such Leases executed after the *passing of this Act*, and all such Assignations, and all such Assignations in Security and Translations thereof, and all Adjudications of such Assignations or Assignations in Security, shall in Competition be preferable according to their Dates of recording; and no Assignation, nor Assignation in Security, executed after the passing of this Act, of any such Lease, recorded as aforesaid, and no Transfer or Conveyance effected or made of any such Lease or Assignation in Security, unless executed, made, or effected in manner herein mentioned, shall be valid or effectual.

Renunciations and Discharges to be recorded.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Adjudication, Instrument, Discharge, or Renunciation recorded in the Register of which he is the Keeper, along with a Minute thereof, in the Form as nearly as may be of the Schedule (J.) to this Act annexed, such Keeper shall, when satisfied of the Accuracy of such Minute, enter the same in the Minute Book

Book kept by him of the Date and Order of Presentation, and he shall also endorse on the said Extract a Certificate of the same having been minuted as aforesaid.

Mode of registering.

XV. Leases, Assignations, Assignations in Security, Translations, Adjudications, Instruments, Discharges, Renunciations, and other Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Book of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Book, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of all such Writs registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writs registered, except where the Writs so registered are offered to be improven.

Extracts to make faith.

Registration equivalent to Possession.

XVI. The Registration of all such Leases, Assignations in Security, and Assignations and Translations thereof, Adjudications, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

Leases, with Obligation to renew, registerable.

XVII. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registerable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time so as to endure for a Period of *Fifty* Years or upwards.

No Lease executed after Date of Act of more than 50 Acres to be registerable.

XVIII. No Lease executed after the *passing of this Act*, unless where the same shall have been executed in Terms of an Obligation to renew contained in a Lease renewable as aforesaid, and of Date prior to this Act, shall be held to fall within the same, or to be registerable thereunder, where the Extent of Land thereby let shall exceed *Fifty* Acres, or where the Quantity of Land let, and, except in case of the Subjects held by Burgage Tenure, the Name of the Lands of which the Ground thereby let, consists or forms a Part shall not be set forth therein, or where the Ground let shall not be described by Boundaries in such Lease.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act.

XIX. Where any such Lease as aforesaid registerable under this Act shall, before the passing thereof, have been recorded in the Books of Council and Session, or in the Books of any Sheriff Court, the Production to the Keeper of the Register of an Extract of such Lease shall be a sufficient Warrant for him to record the same, and he shall thereupon duly record it, and the recording thereof shall be as valid and effectual as if the original Lease had been presented to him.

Sub-Leases posterior to Act not within Act.

XX. No Sub-Lease executed after the *passing of this Act* shall be deemed a Lease within the Intent and Meaning of this Act.

Sub-Leases for more than Nineteen Years not effectual against Singular Successor.

XXI. No Sub-Lease for a longer Period than *Nineteen* Years of any Lands or Heritages, or Part thereof, let by a Lease recorded as aforesaid, shall be valid or effectual against any Singular Successor in such Lease who shall have completed his Right thereto as aforesaid, or any Party who shall have completed his Right under an Assignation thereof in Security as aforesaid, excepting where both such Lease and such Sub-Lease shall have been executed prior to the passing of this Act.

Import of Clauses in Schedules. 10 & 11 Vict. c. 50.

XXII. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

Short Title.

XXIII. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1857."

SCHE-

SCHEDULES.

SCHEDULE (A.)

FORM OF ASSIGNATION OF LEASE.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me, [*or otherwise, as the Case may be,*] assign to *C.D.* [*Designation*] a Lease, dated , and recorded in the Register of Sasines at , of Date , granted by *E.F.* [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly mention Subjects*] in the Parish of and County of [and (*when the Assigner is not the Grantee in the Lease*) my Title to which is recorded in the said Register, of Date], [but (*where the Lease is assigned in part only*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*),] with Entry as at (*Term of Entry*). And [*where Sub-Lease*] I assign the Rents from [*Term*]; and I grant Warrandice; and I bind myself to free and relieve the said *C.D.* of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease; and I consent to Registration for Preservation and Execution.

[*Testing Clause in common Form.*]

SCHEDULE (B.)

FORM OF BOND AND ASSIGNATION IN SECURITY.

I, *A.B.*, [*Designation*] bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* [*Designation*] or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, [*or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime, *as the Case may be,*] with the Interest of the said Capital Sum at the Rate of per Cent. per Annum, payable by equal Portions half-yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in Security of the personal Obligation before written, I assign to the said *C.D.* and his foresaids,

foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease was granted by *E.F.*, [*Designation,*] of Date , and recorded [*insert Register, with Date of recording*], and [*where Cedent not the original Lessee*] my Title to which is registered therein [*Date of recording*]; [but (*where only a Portion of the Subjects are assigned*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*)]. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

[*Testing Clause.*]

SCHEDULE (C.)

FORMS OF NOTARIAL INSTRUMENTS IN FAVOUR OF A PARTY NOT THE ORIGINAL GRANTEE.

No. 1.—*Case of Lease.* *

BE it known, That by Lease, dated , *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased*] in the Parish of and County of , to which Lease *E.F.* [*Designation*] has made up Title by Service as eldest Son [*or as the Case may be*] and Heir of the said *C.D.*, dated [*insert Date of Service*] before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery, [*or, as the Case may be,* as General Disponee *or* Assignee of the said *C.D.* in virtue of (*here mention the Writs or Decreets instructing the Right, with the Dates thereof, and, if recorded, the Register, and Date of recording**]: Wherefore this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1857.

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

BE it known, That by Bond and Assignation in Security of Date *C.D.* [*Designation*] assigned to *J.K.* [*Designation*], in Security of a

* *Note.*—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignation in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

Sum

Sum of [*or as the Case may be*], a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*], in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], to which Assignation in Security *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *J.K.*, *&c.* [*as in Form No.* 1.]

SCHEDULE (D.)

FORM OF TRANSLATION OF ASSIGNATION IN SECURITY.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me [*or as the Case may be*], assign and transfer to *C.D.* [*Designation*] a Bond and Assignation in Security for the Sum of [*or as the Case may be*], granted by *E.F.* [*Designation*] in my Favour, [*or, if not in Granter's Favour, name and design the Party in whose Favour granted,*] dated and recorded [*Register and Date of recording*], [and (*if the Granter not the Assignee in said Bond*) my Title to which is recorded in said Register (*Date of recording*)], with the Interest from the [*Date*], and also a Lease granted by *G.H.* [*Designation*] of [*shortly describe Subjects leased*] in the Parish of and County of , which Lease is dated and is recorded in the said Register, of Date .

[*Testing Clause.*]

SCHEDULE (E.)

FORMS OF WRITS OF ACKNOWLEDGMENT.

No. 1.—*Acknowledgment of Heir in Lease.*

I, *A.B.*, [*Designation,*] Proprietor infeft in the Lands of *C.*, by Infeftment recorded [*Register, and Date of recording,*] acknowledge *D.E.*, [*Designation,*] as [*specify Relationship*], and Heir of the deceased *F.G.*, [*Designation,*] to be in Right of a Lease granted by *H.J.* [*Designation*] of [*shortly mention Subjects*] in the Parish of and County of , being a Portion of the said Lands of *C.*, which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Deceased not the original Lessee*] the Title of the said *F.G.* being recorded in the said Register, of Date .

[*Testing Clause.*]

No. 2.—*Acknowledgment of Heir of Creditor in Assignation in Security.*

I, *A.B.*, [*Designation,*] being in Right of a Lease granted by *C.D.* [*Designation*] of [*shortly specify Subjects*] in the Parish of and County of , which Lease is dated ; and recorded [*Register, and Date of recording*] and [*where Granter not the Lessee named in the Lease*] my Title to which is recorded in said Register [*Date of recording*], acknowledge *E.F.* [*Designation*] as [*specify Relationship*], and Heir of the deceased *G.H.* [*Designation*], to be in Right of a Bond and Assignation in Security for the Sum of [*or as the Case may be*] granted by *I.K.* [*Designation*] over said Lease, which Bond and Assignation in Security is dated and recorded in the said Register on [*Date*], and [*where the Deceased not the original Creditor*] the Title of the said *G.H.* to which Bond and Assignation in Security is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (F.)

Form of Notarial Instrument in favour of Heir in recorded Lease or Assignation in Security, or of Trustee on sequestrated Estate.

No. 1.—*Case of Lease.*

Be it known, That by Lease dated *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased,*] in the Parish of and County of , which Lease is recorded [*Register, and Date of recording*], and to which *E.F.* [*Designation*] has made up Title by Service as [*specify Relationship*], and Heir of the said *C.D.*, dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*or, as the Case may be,* as General Disponee of the said *C.D.*, *or* as Heir (*or* General Disponee) of *L.M.* in an Assignation by the said *C.D.* of Date , *or* as Trustee confirmed on the sequestrated Estate of the said *C.D.*, in virtue of (*here mention the Writs or Decreets, instructing the Rights, with the Dates thereof, and if recorded, the Register, and Date of recording.*)] Whereupon this Instrument is taken by the said *E.F.*, in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the "Registration of Leases (Scotland) Act, 1857."

[*Testing Clause.*]

No. 2.

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security, of Date *C.D.* [*Designation*] assigned to *I.K.* [*Designation*] in Security of a Sum of [*or as the Case may be,*] a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*] in the Parish of and County of , dated , and recorded [*Register, and Date of recording*], to which Bond and Assignation in Security *E.F.* [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said *I.K.*, *&c.* [*as in Form* No. 1.]

SCHEDULE (G.)

Renunciation of Lease.

I, *A.B.*, [*Designation,*] renounce as from the Term of in favour of *C.D.* [*Designation*] a Lease granted by the said *C.D.* [*or as the Case may be*] of [*shortly set forth Subjects*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording,*] and [*where the Party renouncing not the original Lessee*] my Title to which is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (H.)

Form of Discharge of Bond and Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me by *C.D.* [*Designation,*] discharge a Bond and Assignation in Security for the Sum of , granted by the said *C.D.* in my Favour [*or as the Case may be**], and which is dated and recorded in the [*Register, and Date of recording*]; and I declare to be disburdened thereof a Lease granted by *E.F.* [*Designation*] of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*].

[*Testing Clause.*]

* *Note.*—If Granter not original Creditor, here state his Title, and Date of recording the same.

SCHE-

SCHEDULE (J.)

FORM OF MINUTE OF A DECREE OF REDUCTION.

[*Day, Month, Year, and Hours of Presentation to the Keeper.*]

DECREE of Reduction obtained by *A.B.* [*Designation*] of a Lease [*or* Assignation or other Writ or Writs reduced, *as the Case may be,*] granted by *E.F.* [*Designation*], of [*shortly mention the Subjects leased*], in the Parish of , and recorded [*Register and Date of recording*], dated and extracted [*Date of Decree and extracting*], and presented by [*Name and Designation of presented*].

[N.B.—*County in which Subjects situated to be stated on the Margin.*]

Registration of Long Leases (Scotland).

A

B I L L

To provide for the Registration of Long Leases in Scotland, and Assignations thereof.

(*Prepared and brought in by Mr. Dunlop and Sir Michael R. Shaw Stewart.*)

Ordered, by The House of Commons, *to be Printed, 24 February* 1857.

[Bill 29.] *Under 2 oz.*

A

B I L L

TO

Amend the Act for limiting the Time of Service in the Royal Marine Forces.

WHEREAS by an Act passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Sixty-three, for limiting the Time of Service in the Royal Marine Forces, it was enacted, that no Person should be enlisted to serve in the Royal Marine Forces as a Marine for a longer Term than Twelve Years, to be reckoned from the Day on which the Recruit should have been attested, if he should have stated himself to be then of the Age of Eighteen Years, or if not then from the Day on which he would complete the Age of Eighteen Years, to be reckoned according to the Age stated in his Attestation; and it was thereby also enacted, that any Marine at any Time during the last Six Months of the Term of limited Service for which he should have first engaged, or after the Completion of such Term, might, if approved by his Commanding Officer or other competent Authority as a fit Person to continue in Her Majesty's Service as a Marine, be re-engaged to serve for the further Term of Twelve Years in the Royal Marine Forces; and that any Marine who should be ordered on Foreign Service, and who was within Three Years of the Expiration of his First Engagement, should be at liberty, with the Approbation of his Commanding Officer, to re-engage, before he embarked for such

Preamble. 10 & 11 Vict. c. 63.

 Foreign

Foreign Service, for such Period as should complete a total Service of Twenty-four Years: And whereas it is expedient that the Commissioners for executing the Office of Lord High Admiral should be enabled to permit Enlistment for such less Terms as they may at any Time or Times deem expedient, and to authorize Marines to re-engage for any Terms within the Limit of Service prescribed by the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Less Terms for Enlistment and Re-engagement of Marines may be prescribed by Admiralty.

I. Any Person may be enlisted to serve in the Royal Marine Forces as a Marine for any Term not exceeding *Twelve* Years, to be reckoned as provided by the herein-before recited Act, as may be authorized by any Order or Orders of the said Commissioners in such Behalf; and any Marine may, subject to such Approbation as in the said Act mentioned, re-engage for such Term as may by any Order or Orders of the said Commissioners be authorized, provided the Term for which he is so engaged, with the Term of his Service under his First Enlistment, do not exceed the Period of *Twenty-one* Years; and the Forms of Questions on Enlistment in Schedule A. to the herein-before recited Act, and the Form of Declaration in Schedule B. to such Act, and the Questions on Enlistment and Declaration to be made by a Marine renewing his Service in the Schedule to the Marine Mutiny Act in force for the Time being, may, when the Occasion requires, be filled up with such Term or Number of Years as may for the Time being be authorized by such Order or Orders, instead of the Term or Number of Years mentioned in the Directions contained in such Schedules.

Recited Act and this Act to be read together.

II. The herein-before recited Act and this Act shall be read and construed together as One Act.

Royal Marine Forces.

A

BILL

To amend the Act for limiting the Time of Service in the Royal Marine Forces.

(*Prepared and brought in by Sir Charles Wood and Sir Maurice Berkeley.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1857.

[Bill 10.]

Under 1 *oz.*

385

Sale of Beer, &c. Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Repeal of Provisions of Acts under which Application is made to and Grants made by the Excise of Licences for the Sale of Beer by retail, except in the Case of Licences heretofore granted more than Six Months before the Commencement of this Act, until forfeited, withdrawn, or interrupted; 2.

All Licences, except as before specially provided, for the Sale of Beer by retail, to be granted by Justices in Special Session; 3.

All Licences granted within Six Months next before the Commencement of this Act to be in force only until the next Special Session for licensing; 4.

On the Death of a licensed Person the Executors or Administrators, or the Widow or Child, may be authorized to sell for the Remainder of the Term of Licence; Repeal of Sect. 8. of 3 & 4 Vict. c. 61.; 5.

Mode of Proceeding by Persons desirous to apply to Justices for a Licence; Notice to be given to the Superintendent Police Officer of Intention; Proof required at the Hearing; 6.

Justices in granting Licences to be guided by the Wants of the Population, &c.; Power to inquire into the rateable Value of Houses for which a Licence is desired; 7.

Form of granting Licences by Justices; on their Grant Excise to issue Licence in same Form and on same Payment as before; 8.

Repeal of Sect. 17 of 3 & 4 Vict. c. 61.; 9.

Penalties and Forfeitures in Cases of Collusion and Fraud in applying for or obtaining Licence, and in Cases of Third Conviction; Notice of Forfeiture to be given to the Excise; 10.

Appeal to Quarter Sessions in Cases of Forfeiture; 11.

Fee to Clerk of Justices for Grant of Licence, and Penalty for demanding more; 12.

No Debt for Beer drunk on the Premises recoverable unless sued for within a Week; Penalty on retail Beersellers taking Pawns for Beer; 13.

Provisions of this Act with respect to the Sale of Beer to apply to the Sale of Cider; 14.

Provisions of former Acts relating to Sale of Beer by retail now in force and not altered by this Act to be read with and be applicable to this Act; 15.

Coffee Shops and Places of Public Entertainment kept open at Night must have a Licence from Two Justices at Petty Sessions; Sum to be paid for Licence; Fee to Clerk of Justices for Licence, and Penalty for demanding more. Clerk to account with Collector of Excise, and to provide correct List of licensed Coffee Shops, &c. open to Inspection; 16.

Penalty on keeping open unlicensed Coffee Shops at Night; 17.

Coffee Shops kept open at Night or licensed, subject to Supervision and Control of Police; 18.

Penalties for allowing intoxicating Liquors to be provided in Coffee Shops, and for suffering Gambling to go on, or Prostitutes, &c. to assemble and continue therein; 19.

Penalty on drunken and disorderly Persons refusing to quit licensed House on Request; Constables required to assist in expelling them; 20.

Penalty on Persons found drinking in licensed Houses at unlawful Hours; 21.

Interpretation Clause; 22.

Short Title of Act; 23.

SCHEDULE.

A

B I L L

TO

Amend the Laws relating to the general Sale of Beer and Cider in England, and to regulate certain Places of Public Resort, Refreshment, and Entertainment.

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to permit the general Sale of Beer and Cider by "retail in England:" And whereas another Act was passed in the Fifth Year of the Reign of His said late Majesty, intituled "An Act to "amend an Act passed in the First Year of the Reign of His present "Majesty, to permit the general Sale of Beer and Cider by Retail in "England:" And whereas another Act was passed in the Fourth Year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Act relating to the general Sale of Beer by "retail in England:" And whereas it is expedient further to amend the said Acts, and to make Provision for the better Regulation of certain Places of Public Refreshment, Resort, and Entertainment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 11 G. 4. & 1 W. 4. c. 64. 4 & 5 W. 4. c. 85. 3 & 4 Vict. c. 61.

I. This Act shall commence and take effect on and from *the First Day of September One thousand eight hundred and fifty-seven.* Commencement of Act.

Repeal of Provisions of Acts under which Application is made to and Grants made by the Excise of Licences for the Sale of Beer by Retail; except in the Cases of Licences heretofore granted more than Six Months before the Commencement of this Act; until forfeited, withdrawn, or interrupted.

II. So much of the Acts 1 Will. 4. c. 64., 4 & 5 Will. 4. c. 85., and 3 & 4 Vict. c. 61. as relates to the Application to the Excise for and Grants by the Excise, or any Officers thereof, of Licences for the Sale of Beer and Cider by retail, shall be and is hereby repealed; and no such Licences shall be issued by the Excise, or any Officer thereof, except upon such Grant by the Justices as is herein-after mentioned: Provided always, that where any Licence has been heretofore granted by the Excise to and is at the Commencement of this Act held by any Person for the Sale of Beer by retail (except where such Licence has been first granted within *Six* Calendar Months next before the Commencement of this Act), every such Licence shall Year by Year be renewed and continued to such Person on Application to the Excise, or the Officers thereof, as if this Act had not passed: Provided further, that no such Licence shall be so renewed or continued by the Excise after any Forfeiture, Withdrawal, or Interruption of such Licence.

All Licences, except as specially before provided for the Sale of Beer by Retail, to be granted by Justices in Special Session.

III. After this Act shall have commenced and taken effect all Licences, except as is herein-before provided, for the Sale of Beer by retail, shall be granted only by the Justices assembled at a Special Session for the General Annual Licensing Meeting, or at one of the Special Sessions appointed to be held for the Transfer of Licences of Inns, Alehouses, and Victualling Houses for the Division, Borough, or Place within which such Licences for the Sale of Beer by retail are sought for, to such Persons and for such Houses as they the said Justices shall in the Exercise of their Discretion deem fit and proper.

All Licences granted within Six Months next before the Commencement of this Act to be in force only until the next Special Session for licensing.

IV. All Licences for the Sale of Beer by retail which shall have been granted by the Excise within the *Six* Calendar Months next before the Commencement of this Act shall continue in force only until the then next Special Session held by the Justices for granting Licences as aforesaid in the Division, Borough, or Place within which such Licences were granted by the Excise.

On the Death of a licensed Person the Executors or Administrators, or Widow or Child, may be authorized to sell for the Remainder of the Term of Licence.

V. Upon the Death of any Person, licensed to retail Beer or Cider under the said recited Acts or this Act, before the Expiration of his Licence, it shall be lawful for any Two Justices, and they are hereby required, on Proof to them given of the good Character of the Person applying for such Authority, to authorize and empower, by Endorsement on the Licence granted to such deceased Person, the Executors or Administrators, or the Widow or Child of such deceased Person, who shall be possessed of and occupy the Dwelling House and Premises before used for such Purpose, to continue to retail Beer and Cider in the same House and Premises during the Residue of the Term for which such Licence was originally granted, without taking out

out any fresh Licence or Payment of any additional Duty thereon; and Section 8. of 3 & 4 Vict. c. 61. is hereby repealed.

Repeal of s. 8. of 3 & 4 Vict. c. 61.

VI. Every Person intending to apply to the Justices for a Licence to sell Beer by retail shall, *Twenty-one* Days at least before the Special Session at which such Application is intended to be made, give Notice of such his Intention to the Superintendent Police Officer or Chief Constable of the Division, Borough, or Place within which the House for which he intends to apply for such Licence is situate, and shall in such Notice set forth a full and true Copy of the Application to be made, and of all Documents connected therewith; and on the Hearing of such Application before the said Justices all Documents, Matters, and Things which were necessary to be shown, proved, or done on applying for and obtaining a Licence from the Excise before the passing of this Act, shall be required to be shown, proved, and done before the said Justices at such Special Session; and in proving, if the Justices shall require such Proof, the rateable Value of any House for which a Licence is sought by any Person, the Poor Rate Book shall not be deemed conclusive Evidence of such rateable Value.

Mode of Proceeding by Persons desirous to apply to Justices for a Licence.

Notice to be given of Intention.

Proof required at the Hearing.

VII. The Justices at such Special Session, in considering the Propriety of granting any Licence for the Sale of Beer by retail, shall inquire into the Number of licensed Houses for the Sale of intoxicating Liquors then existing within the District or Place within which such Licence for the Sale of Beer by retail is desired, the Number of the Population within such District and its Requirements, and the Character of the Applicant and his Sureties; and shall, if they deem it right, require Proof to be given that the House for which such Licence for the Sale of Beer by retail is desired is of the full rateable Value at which it appears on the Rate Book to be rated to the Relief of the Poor.

The Justices to be guided in Grants of Licences by the Necessities of the Population, &c.

Power to inquire into rateable Value of Houses for which a Licence is desired.

VIII. Every Grant of a Licence for the Sale of Beer by retail made by Justices under the Authority of this Act shall be signed by the Chairman of the Special Session at which such Grant shall be made for and on behalf of the said Justices, or the Majority of them, in the Form prescribed in the Schedule (A.) to this Act annexed; and thereupon such Licence shall be signed, sealed, and issued by the Excise in the same Form and on the same Payment as was in use before this Act passed.

Form of granting Licences by Justices.

On their Grant Excise to issue Licence in same Form and on same Payment as before.

IX. That the Seventeenth Section of 3 & 4 Vict. c. 61. be and the same is hereby repealed.

Repeal of s. 17. of 3 & 4 Vict. c. 61.

Penalties and Forfeitures in Cases of Collusion and Fraud in applying for or obtaining a Licence, and in Cases of Third Conviction.

X. That in case of any Fraud or Collusion between the Keeper of any House for the Sale of Beer by retail and any other Person as to the rating or rateable Value of such House, or in case of any Fraud or Collusion committed by any Person on his Application for or for the Purpose of obtaining a Licence for the Sale of Beer by retail, or in case of any Third Conviction of the Keeper of any such House for any Breach of the Law in respect to the keeping and Management of such House, it shall be lawful for any Two Justices before whom such Person shall be convicted of any such Collusion or Fraud, or by whom such Third Conviction shall be made, to adjudge the Licence of such Keeper of such House to be forfeited, and such Licence shall thereupon be null and void and absolutely cease and determine; and in case of a Conviction of any Person for Fraud or Collusion on any Application for a Licence to sell Beer by retail, such Person shall forfeit and pay the Sum of *Ten Pounds*, and no Licence for the Sale of Beer by retail shall thereafter be granted to the Person so convicted of any such Collusion or Fraud or of such Third Offence; and such Justices shall cause Notice in Writing to be forthwith sent to the Commissioners of Excise within the Limits of the Chief Office of the Excise, or to the Collector of Excise out of such Limits, of such Adjudication.

Notice of Forfeiture to be given to the Excise.

Appeal to Quarter Sessions in Cases of Forfeiture.

XI. In all Cases where a Licence for the Sale of Beer by retail shall be adjudged to be forfeited it shall be lawful for the Person whose Licence shall be so adjudged to be forfeited to appeal to the General Sessions or Quarter Sessions of the Peace upon the same Terms and Conditions in all respects as are provided in the herein firstly-recited Acts or any of them with respect to an Appeal against a Conviction for a Third Offence.

Fee to Clerk of Justices for Grant of Licence.

XII. The Clerk to the Justices at the General Annual Licensing Meeting, as also at any Special Sessions for licensing under this Act, shall receive for every Licence granted by Justices under this Act the Sum of *Four Shillings* and no more, as and for his own and all Fees for such Licence and connected therewith, and no other Fee shall be paid or payable to any Person for or in respect of such Licence; and every such Clerk who shall demand or receive from any Person for such Fee any more than the Sum of *Four Shillings* shall for every such Offence, on Conviction before One Justice, forfeit and pay the Sum of *Five Pounds*.

Penalty for demanding more.

No Debt for Beer drunk on the Premises recoverable

XIII. No Person whatsoever shall be entitled unto or maintain any Cause, Action, or Suit for, or recover, either in Law or Equity, any Sum of Money, Debt, or Demand whatsoever for or on account of any Beer drunk on the Premises of such Person, unless such Cause,

Action,

Action, or Suit for such Sum, Debt, or Demand shall be brought within *One Week* of the Time at which such Debt began to be contracted; and in case any Person selling Beer by retail to be drunk either on or off the Premises of such Person, or the Agent or Servant of such Person, shall take or receive any Pawn or Pledge from any Person whatsoever by way of Security for any Sum of Money owing by such Person for such Beer, every such Person offending herein shall, on Conviction before One Justice, forfeit the Sum of *Forty Shillings* for each and every Pawn or Pledge so taken in or received by him; and the Person by whom such Pawn or Pledge was given shall have the same Remedy for recovering such Pawn or the Value thereof as if it had never been pledged.

unless sued for within a Week.

Penalty on retail Beersellers taking Pawns for Beer.

XIV. All the Clauses, Regulations, and Provisions of this Act relating to the Sale of Beer and the retailing thereof, and the Licences for the same, and the Houses wherein the same is sold, and the Penalties and Forfeitures hereby enacted, shall be taken and deemed to be applicable to the Sale of Cider by retail as if Cider and the Retailers thereof were expressly mentioned in and throughout this Act.

Provisions of this Act with respect to the Sale of Beer to apply to the Sale of Cider.

XV. All the Provisions of the Three firstly herein recited Acts, and of all other Acts relating to the Sale of Beer and Cider by retail, so far as such Provisions are in force at the Time of the passing of this Act, and are not altered by or inconsistent with the Provisions of this Act, shall be deemed and taken to be in full force and applicable to and read with the Provisions of this Act.

Provisions of former Acts relating to Sale of Beer by retail now in force, and not altered by this Act, to be read with and be applicable to this Act.

XVI. All Coffee Shops and Places kept open for public Refreshment, Resort, and Entertainment, at any Time between the Hours of *Nine* of the Clock at Night and *Four* o'Clock of the following Morning, shall, on the Application of the resident Owner, Tenant, or Occupier of such Shops and Places, be annually licensed by Two Justices, under their Hands and Seals, at any Petty Session held for the Petty Sessional Division, or in the Metropolis by the Police Magistrate of the District within which such Shops or Places are situate, according to the Form in the Schedule (B.) to this Act annexed, for their respective Purposes; *and the Sum to be paid for each such Licence shall be the Sum of Two Pounds for each and every Year during which such Licence shall be taken out, which Sum of Two Pounds shall be paid to the Clerk to the Justices by whom such Licence shall be granted*, together with *Three Shillings* as his Fee for such Licence; and any Clerk to such Justices as shall demand or receive from any Person for such Fee more than the said Sum of *Three Shillings* shall for every such Offence, on Conviction thereof before

Coffee Shops and Places of public Entertainment kept open at Night must have a Licence from Two Justices at Petty Sessions.

Sum to be paid for Licence.

Fee to Clerk of Justices, and Penalty for demanding more.

Clerk to account with Collector of Excise,

and to keep correct List of licensed Coffee Shops, to be open to Inspection.

before One Justice, forfeit and pay the Sum of *Five Pounds; and such Clerk shall, on Demand, once in every Calendar Month account to the Collector of Excise for the District for all Sums received by him for such Licences*, and shall make and provide a correct List of all such Shops and Places, which shall be kept at the Head Police Office for the said Petty Sessional Division or District, and be open at all reasonable Times for the Inspection of any Person requiring to see the same on the Payment of *Sixpence* for each Inspection thereof, to be there paid for the Benefit of the Clerk to the Justices, whose Duty it shall be to make and provide such List.

Penalty on keeping open unlicensed Coffee Shops at Night.

XVII. Every Person being the Owner, Occupier, or Manager of any Coffee Shop, or Place for public Refreshment, Resort, and Entertainment, who shall without first having obtained such Licence as is herein provided, keep open, or suffer or permit to be kept open, any such Shop or Place for public Refreshment, Resort, and Entertainment, at any Time between the Hours of *Nine* of the Clock of the Night and *Four* of the Clock of the following Morning, shall, upon Conviction thereof before One Justice of the Peace, forfeit the Sum of *Forty Shillings*, and for a Second such Offence the Sum of *Five Pounds*, and for a Third and every subsequent Offence be liable at the Discretion of such Justice to a Penalty of *Twenty Pounds*, or to be imprisoned for the Space of *Four* Calendar Months.

Coffee Shops kept open at Night or licensed to be subject to Supervision and Control of Police.

XVIII. All Coffee Shops and Places open at any Time between the Hours of *Nine* of the Clock at Night and *Four* of the Clock of the following Morning, or licensed for public Refreshment, Resort, and Entertainment, under the Provisions of this Act, shall be subject to the same Supervision and Control of Constables and Officers of Police, and Penalties and Forfeitures in respect of the same, as are provided by any Acts with respect to Houses licensed for the Sale of Beer or spirituous Liquors to be consumed upon the Premises.

Penalties for allowing intoxicating Liquors to be provided in Coffee Shops, and for suffering gambling to go on or Prostitutes, &c. to assemble and continue therein.

XIX. Every Person being the Occupier, Keeper, or Manager of such Coffee Shops and Places licensed for public Refreshment, Resort, and Entertainment under this Act, who shall provide or sell to or permit or suffer to be provided for or sold to any Person frequenting the same any intoxicating Liquor, or shall knowingly suffer any unlawful Games or Gaming whatsoever therein, or knowingly suffer Prostitutes, reputed Thieves, or drunken or disorderly Persons to assemble at or continue in or upon his Premises, shall, upon Conviction thereof before Two Justices, pay for the First Offence a Fine of *Forty Shillings*, for the Second Offence a Fine of *Five Pounds*, and for a Third or subsequent Offence a Fine of *Ten Pounds*, or be subject to a Forfeiture of his Licence, at the Discretion of

of the Justices before whom he shall be convicted; and in case of such Forfeiture of his Licence such Person shall be disqualified for the Space of *One Year* then next ensuing from obtaining a fresh Licence, and such fresh Licence, if obtained within the said Year, shall be absolutely null and void to all Intents and Purposes.

Penalty on drunken and disorderly Persons refusing to quit licensed Houses on Request.

XX. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Beer or spirituous Liquors by retail to be consumed on the Premises, or for public Refreshment, Resort, and Entertainment under the Provisions of this Act, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Manager or Occupier, or his Agent or Servant, or by any Constable, shall, on Conviction thereof before One Justice, be liable to pay a Fine not exceeding *Forty Shillings*; and all Constables are hereby authorized, empowered, and required, on the Demand of such Manager, Occupier, Agent, or Servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly Persons from such Shops, Houses, Premises, and Places.

Constables required to assist in expelling them.

Penalty on Persons found drinking in licensed Houses at unlawful Hours.

XXI. Any Person found drinking Beer or spirituous Liquors upon the Premises of any House licensed for the Sale of the same to be consumed on the Premises during any Time of the Day or Night prohibited by Law, shall, upon Conviction of such Offence before Two Justices, forfeit and pay a Sum not exceeding *Twenty Shillings* for such Offence.

Interpretation Clause.

XXII. So much of the said firstly-recited Act as relates to the Interpretation of certain Words therein mentioned shall be applied to the Interpretation of the same Words where used in this Act; and the Words "Coffee Shop" in this Act shall be deemed to mean and include all Coffee Shops, Tea Shops, Temperance Hotels, Shell Fish Shops, Dancing Saloons, Houses, Rooms, and Places, by whatever Name distinguished, open for public Refreshment, Resort, and Entertainment, not being licensed for the Sale of any intoxicating Liquors therein.

Short Title of Act.

XXIII. This Act may be cited for any Purpose as the Beer Act Amendment Act, 1857.

SCHEDULE (A.)

Form of Grant of Licence for selling Beer and Cider by retail.

We, the Justices assembled this Day of A.D. do hereby grant to *A.B.* a Licence to sell Beer [*or* Cider] by retail at a certain House and Premises situate [*describe Situation*] of which he is the resident Occupier. Signed by me, the Chairman on behalf of the said Justices, the said Day of .

Witness *C.D.*

Clerk to the said Justices.

SCHEDULE (B.)

We [*or* I] the undersigned, being Two of Her Majesty's Justices of the Peace acting in and for the Petty Sessional Division of [*or* a Police Magistrate for the District of the Metropolis] within which Petty Sessional Division [*or* District] the [House, Shop, Room, *or* Place, *whatever the Name of the Premises may be*] for which a Licence is hereby granted is situate, do hereby license, authorize, and empower *A.B.*, who is the resident Occupier of the said [House, *or whatever the Name may be*] situate [*describe the Situation*], to open and keep open the said [House, *or whatever the Name may be*] for public Refreshment, Resort, and Entertainment, as a [*describe the Object for which it is intended*] for One whole Year from the Date hereof.

Witness our [*or* my] Hands [*or* Hand] this Day of A.D. .

C.D. (L.S.)
E.F. (L.S.)

Sale of Beer, &c.

A

BILL

To amend the Laws relating to the general Sale of Beer and Cider in England, and to regulate certain Places of public Resort, Refreshment, and Entertainment.

(*Prepared and brought in by Mr. FitzRoy, Mr. Hardy, Mr. William Brown, and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed*, 10 *February* 1857.

[Bill 13.]

Under 2 *oz.*

Savings Banks Bill.

ARRANGEMENT OF CLAUSES.

Power to Commissioners for Reduction of the National Debt to establish Savings Banks; Sect. 1.

Commissioners to make Regulations for Management of Savings Banks and as to Persons entitled to become Depositors, &c.; 2.

Trustees and Managers to appoint paid Officers; 3.

Officers to give Security; 4.

Amount of Deposit; 5.

Deposits may be invested in the Public Funds by Depositors in Savings Banks; 6.

Price at which Deposits may be converted into Stock; 7.

Transfer of Stock to Depositor; 8.

Payment of Dividends to Depositors; 9.

Transfer of Stock to Depositors at the Bank of England or Ireland; 10.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors; 11.

Banks already established may obtain Government Security; 12.

Punishment for Forgery, or for making false Representations, in order to obtain Deposits or Interest; 13.

Accounts to be laid before Parliament; 14.

Provisions of previous Acts applicable to this Act; 15.

A

B I L L

TO

Amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

WHEREAS in various Instances Losses have been sustained by Depositors in Savings Banks through the Insufficiency of the existing Laws: And whereas it is expedient that Security should be afforded against such Losses in future, and that Depositors in Savings Banks should have an effectual Guarantee for the Repayment to them of all Monies legally deposited therein, and that for such Purpose the Laws relating to Savings Banks should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may establish Savings Banks at such Places in the United Kingdom as they or he may think expedient, to receive Deposits of the small Savings of the industrious Classes of Her Majesty's Subjects, and all Depositors therein shall have the Security of the Government for the due Repay- Power to Commissioners of the National Debt to establish Savings Banks.

ment of all Monies which shall have been legally deposited in such Savings Banks, with the Interest due thereon.

Commissioners for the Reduction of the National Debt to make Regulations.

II. The said Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, may make, and from Time to Time, as they shall see Occasion, alter all such Regulations for the Management of Savings Banks established under this Act, and for superintending, inspecting, and regulating the same, and the keeping, examining, and allowing of Accounts, in such Manner as they shall think proper, and with respect to the making and Withdrawal of Deposits, and all other Matters incidental to the carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and Copies of all such Regulations shall be laid before both Houses of Parliament within *Fourteen* Days from the Date thereof, if Parliament shall be then sitting, and if not, then within *Fourteen* Days from the next re-assembling of Parliament.

Trustees and Managers to appoint paid Officers.

III. The Trustees and Managers of any Savings Bank established under this Act, subject always to the Approval of the said Commissioners for the Reduction of the National Debt, or of the Comptroller General acting under them, may appoint such paid Officers, with such Qualifications as the said Commissioners or Comptroller General may think necessary, for superintending or assisting in carrying the Provisions of this Act into execution, and may suspend or remove such paid Officers; and the said Commissioners or Comptroller General may define, specify, and direct the Execution of the respective Duties of such Officers, and the Places at which the same shall be performed, and direct the Mode of Appointment, and may also determine the Continuance in Office, Suspension, or Removal of such Officers; and the said Commissioners or Comptroller General, when they see Occasion, may regulate the Amount of Salaries payable to such Officers respectively, and the Time and Mode of Payment thereof, and of all other Expenses incidental to the Management of the Savings Bank.

Security to be given by Officers of Savings Banks.

IV. The said Commissioners or Comptroller General shall determine the Amount and Nature of the Security to be given by any of the Officers of Savings Banks appointed as herein-before mentioned, and such Security shall be given by the Bond of such Parties, with Sureties, to the said Comptroller General, or by the Bond of some Guarantee Society duly authorized by Law to give Security, such Society and such Bond to be subject to the Approval of the said Comptroller General;

General; and such Bonds shall, when executed, be deposited with the said Comptroller General, who shall have Power to vacate and deliver up such Bonds when the Necessity for continuing them in force shall have ceased: Provided always, that any such Officer shall be at liberty, if he shall think fit, to give such Security by depositing an equivalent Amount in Exchequer Bills or Exchequer Bonds or in Bank Annuities, in which Case such Deposit of Exchequer Bills or Exchequer Bonds or of Bank Annuities shall be placed, in his own Name and that of the Comptroller General, in the Bank of England, subject to all the Enactments of an Act passed in the Sixth and Seventh Years of King William the Fourth, Chapter Twenty-eight, in the same Manner as if the said Officer or other Person and the said Comptroller General had been specifically named in the said Act; and all such Bonds and other Securities shall vest in the Successor and Successors in his Office of Comptroller General.

Amount of Deposit.

V. No Money, whether previously withdrawn or not, shall, after the *Twentieth Day of May One thousand eight hundred and fifty-seven*, be received in any Savings Bank, whether established under this Act or previously to the passing thereof, on account of any individual Depositor, which shall make the Sum at the Credit of such Depositor exceed the Sum of *One hundred Pounds;* nor shall any Interest be payable on any Deposit Account in any Savings Bank, so long as the same shall amount to *One hundred Pounds*, unless the Amount of such individual Depositor shall have amounted to a larger Sum than *One hundred Pounds* on the said *Twentieth Day of May One thousand eight hundred and fifty-seven;* but no additional Deposit shall be received from any such Depositor so long as the Sum to which the Depositor shall be entitled shall amount to or exceed the Sum of *One hundred Pounds.*

Deposits may be invested in the Funds by Depositors in Savings Banks.

VI. The Amount of Deposits and Interest due to any Depositor in any Savings Bank may, at the Request of such Depositor, notified by the proper Officer of the Savings Bank to the said Commissioners or Comptroller General, and under such Regulations as the said Commissioners or Comptroller General shall from Time to Time direct, be invested in any permanent Government Stocks: Provided always, that no such Investment shall be made into any Amount of Stock of less than *Fifty Pounds* at any one Time.

Price at which Deposits may be converted into Stock.

VII. The Price at which such permanent Government Stocks shall be transferred to such Depositor shall be the average Price of Stock as certified by the Governor and Company of the Bank of England to the said Commissioners during the Quarters respectively ending Fifth April, Fifth July, Tenth October, and Fifth January

in each Year next immediately preceding the Day on which the Application of the Depositor shall be lodged with the said Commissioners; and a Statement, duly certified by the said Comptroller General or Assistant Comptroller, shall immediately after the Termination of each Quarter be forwarded to all Savings Banks, showing the Price at which such permanent Government Stocks will be transferred to such Depositor during the next succeeding Quarter.

Transfer of Stock to Depositor.

VIII. Whenever a Depositor in any Savings Bank shall signify his Desire to make such Investment, an Account shall be opened by the said Commissioners in the Name of the said Depositor, either in the Books of the said Commissioners or in the Books of the Bank of England or of the Bank of Ireland, as such Depositor shall himself desire, and he shall be credited therein with the Amount of Stock to which he will become entitled by such Investment under the Provisions of this Act, and in like Manner the Amount of Money so invested by the said Depositor shall be written off in his Deposit Book and from his Deposit Account in the Books of the Savings Bank, and by the said Commissioners from the Account of the Savings Bank in the Books of the said Commissioners; and the said Commissioners or Comptroller General or Assistant Comptroller shall forthwith transmit to the said Depositor through the proper Officer of the Savings Bank a Certificate showing the Amount of Stock thus placed in the Books of the said Commissioners or in the Books of the Bank of England or of Ireland, as the Case may be, to the Credit of the said Depositor, and the said Depositor shall thenceforth hold such Stock subject to the Price which such Stock shall from Time to Time bear in the Public Market of the Stock Exchange in London or Dublin, as the Case may be, and subject also to the several Acts in force in relation to such Stock; and if such Stock Account shall have been opened for any Depositor in the Books of the Commissioners, and he shall desire at any Time thereafter to transfer the said Stock to an Account to be opened in his Name in the Books of the Bank of England or Bank of Ireland, such Transfer shall be made by the said Commissioners accordingly.

Payment of Dividends to Depositors.

IX. The Dividends becoming due and payable to such Depositor in respect of such permanent Government Stocks, if the Account shall be opened in his Name in the Books of the said Commissioners, shall be payable and paid at the Office of the said Commissioners, or at the Savings Bank through which such permanent Government Stocks were purchased, or at any other Savings Bank established under this Act at which such Depositor shall desire to receive such Dividends, under such Regulations as the said Commissioners or Comptroller General shall make for that Purpose, and the Dividends

on

on all Stock placed in the Depositor's Name in the Books of the Bank of England or Bank of Ireland shall be paid to the Depositor at the Bank of England or Bank of Ireland, as the Case may be.

Fund out of which Stock to be transferred.

X. The Amount of all such permanent Government Annuities may be transferred by the said Commissioners from Time to Time as required from the Stock Account standing in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of England, or in the Books of the Governor and Company of the Bank of Ireland, under the Title of "The Fund for the Banks for Savings," under such Regulations as shall be prescribed by the said Commissioners.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors.

XI. The said Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, are hereby authorized, from Time to Time as they shall see Occasion, to appoint such Number of Inspectors and Auditors as the said Commissioners for the Reduction of the National Debt may think necessary for carrying this Act into execution, at such Places and in such Manner as they may direct, and to remove such Inspectors and Auditors, or any of them, at their Discretion, and to appoint some other Person or Persons in his or their Place; and such Inspectors and Auditors shall receive such Salaries as shall be approved by the said Commissioners of Her Majesty's Treasury; and the Salaries of all such Persons, together with any necessary travelling or contingent Expenses allowed by the Commissioners for the Reduction of the National Debt, shall be payable out of any Monies granted by Parliament for that Purpose.

Existing Banks may obtain Government Security for their Depositors.

XII. The Trustees and Managers of Savings Banks already established under the Provisions of any Acts relating to Savings Banks may obtain the Security of the Government for the Depositors in such Savings Banks, upon such Conditions as the Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, may prescribe in that respect; and such Depositors shall be entitled to such Security, whenever the said Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, shall certify to the said Commissioners of the Treasury, and to the Trustees and Managers of the Savings Bank, that the said Conditions have been complied with, and thereupon the said Savings Bank shall be considered to be a Savings Bank established under and subject to the Provisions of this Act.

Punishment for Forgery, or for making false Representations, in order to obtain Deposits or Interest.

XIII. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money deposited in any Savings Bank established under this Act, or any Interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to any such Money or Interest, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall on Conviction be punishable with Penal Servitude for a Term not exceeding *Four* Years, or with Imprisonment, with or without Hard Labour, for any Period not exceeding *Two* Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding *Six* Months.

Accounts to be laid before Parliament.

XIV. An annual Account of all Deposits received and paid under the Authority of this Act, of all Stock transferred to Depositors, and of the Expenses incurred for managing the Savings Banks during the Year, together with a Statement of the total Amount due at the Close of the Year to all Depositors in such Savings Banks, and of the Assets available to meet the Claims of such Depositors, shall be laid before both Houses of Parliament not later than the *Thirty-first Day of March* in every Year.

Provisions of previous Savings Banks applicable to such Act.

XV. All the Provisions of the Acts now in force relating to Savings Banks, as to Matters for which no other Provision is made by this Act, shall be deemed, as far as the same are not repugnant to or inconsistent with this Act, applicable to any Savings Bank established under this Act.

Savings Banks.

A

BILL

To amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 27 *February* 1857.

[Bill 32.]

Under 2 oz.

17 *February* 1857. 20 Vict.

(Ireland.)

A

BILL

TO

Assimilate the Law as to the Sea Coast Fisheries of Ireland to that of England.

Preamble. See 48 G. 3. c. 110. and 59 G. 3. c. 109.

WHEREAS the Improvement of the Irish Sea Coast Fisheries is an Object of the most essential Importance to the Wealth and Commercial Prosperity as well as to the Naval Strength of the United Kingdom of Great Britain and Ireland, for the Attainment of which it is expedient to relieve the Persons engaged in the said Fisheries from all novel and undue Restrictions and Burdens, and to replace them on an Equality in that Behalf with Persons engaged in the Fisheries of England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of ss. 7, 8, 9, 10. and Part of s. 91. of 5 & 6 Vict. c. 106.

I. So much of an Act passed in the Sixth Year of the Reign of Her Majesty, Chapter One hundred and six, intituled "An Act "to regulate the Irish Fisheries," as enacts—

No Herring or other Nets, save as herein provided, to be shot or left floating in the Day-time.

"VII. That no Person shall, at any Time between Sunrise and "Sunset, set, either in the Sea or within the Tideway in any Estuary, "any Sea Net for the catching of Herrings, or any Trammel Net, "or leave any Drag or other Net in the Water between Sunrise and "Sunset, except Stake or Fixed Nets for the catching of Salmon, as is "herein-after provided, and save also Seines or Drift Nets for Pil-

" chards or Fish other than Herrings, provided such Stake or Fixed " Nets and such Seines or Drift Nets be used at such Times and " Places as may not be prohibited by the Byelaws herein-after men- " tioned; and every Person offending by setting or leaving set any " such Net, save as aforesaid, shall forfeit the same, and shall also for " every such Offence forfeit and pay any Sum not exceeding Ten " Pounds.

Penalty on Fishermen not hauling up their Nets.

" VIII. And that every Person who shall, between Sunset and " Sunrise, have set, either in the Sea or within the Tideway in any " Estuary, any such Net as is hereby prohibited from being left set " or in the Water between Sunrise and Sunset, shall before Sunrise " haul up and remove such Net or Nets; and every Person offending " by not so hauling up and removing such Net before Sunrise shall " forfeit the Net so set or in the Water, and shall also forfeit and pay " any Sum not exceeding Five Pounds, unless it shall be proved to " the Justice before whom Complaint shall be made against such " Person that he was prevented by sudden Storm or Stress of Weather " from hauling up and removing such Net.

Penalty on use of Trawl and Trammel Nets.

" IX. And that every Person who shall use any Trawl or Trammel " Net at any Season or any Place, either in the Sea or within the " Tideway in any Estuary, when or where the Use of the same " shall have been prohibited by any Byelaw to be made as herein-after " mentioned, shall forfeit every such Net so used, and shall for every " such Offence also forfeit and pay any Sum not exceeding Twenty " Pounds.

Net shall not be set or Lines laid contrary to the Byelaws.

" X. And that if any Person shall set any Net at or across the " Entrance of any Bay or Estuary in any Place or at any Time which " shall be prohibited by any such Byelaw, every Person so offending " shall forfeit and pay for each such Offence any Sum not exceeding " Five Pounds."

And so much of the said Act as relates to the Power of the Commissioners of Fisheries therein mentioned to make Byelaws relating to the Fisheries on or off the Sea Coasts of Ireland;

Repeal of Part of s. 7. of 7 & 8 Vict. c. 108.;

And so much of an Act passed in the Eighth Year of Her Majesty, Chapter One hundred and eight, intituled "An Act to amend an " Act of the Sixth Year of Her present Majesty, intituled 'An " 'Act to regulate the Irish Fisheries,' and to empower the " Constabulary Force to enforce certain Provisions respecting " the Irish Fisheries," as authorizes the Commissioners of Fisheries therein mentioned to make any Byelaw, Rule, or Regulation forbidding the Use of Seine Nets for the catching of Herrings;

of Part of ss. 14. and 15. of 8 & 9 Vict. c. 108.;

And so much of an Act passed in the Ninth Year of Her Majesty, Chapter One hundred and eight, intituled "An Act for the " further Amendment of an Act of the Sixth Year of Her " present Majesty, for regulating the Irish Fisheries," as authorizes

authorizes the Commissioners of Fisheries therein mentioned to make any Byelaw "to prohibit the Use at any Time or Season "of any Engine or Device for the Capture of Fish, which "upon Inquiry had the said Commissioners shall deem to be "injurious to the Fisheries," so far as the same relates to fishing on or off the Sea Coasts of Ireland, or "any Byelaw authorizing the Use between Sunrise and Sunset of any Trammel or "other Net on any Part of the Coasts of Ireland or the Islands "lying off the same where such Trammel or other Nets may "in the Opinion of the said Commissioners be used during the "Daytime without Injury to the Fisheries;" s. 14. s. 15.

And so much of an Act passed in the Twelfth Year of Her Majesty, Chapter Ninety-two, intituled "An Act for the Protection and Improvement of the Salmon, Trout, and other "Inland Fisheries of Ireland," as enacts that from and after the First Day of January One-thousand eight hundred and forty-nine all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, or for the taking of Eels, within any of the several Fishery Districts into which the Commissioners of Fisheries therein mentioned were thereby authorized to divide Ireland and the Sea Coast and Islands thereof, or on or off the Sea Coast of such District, should before the same be used in any Year be duly licensed and rated in manner therein mentioned, so far as the same relates to fishing on or off the said Sea Coast; and so much of Section Twenty-one of the said Act, which Section is in the Words following: "That for "any Engine, Instrument, Net, Weir, or Device whatsoever, not enumerated in the Schedule to this Act, and "which may be proposed to be used for fishing for Salmon, "Trout, Pollen, or Fish of the Salmon or Trout Kind, or "for Eels, it shall be lawful for the said Commissioners at "any Time before a Board of Conservators shall be formed, "and after the Formation of such Board it shall be lawful for "such Board of Conservators for the District, as the Case may "be, to fix and determine the Licence Duty on Payment of "which the same may be used in such District, regard being had "as far as practicable to the relative Capability of Capture and "Productiveness of the same, as compared with those set forth in "the said Schedule, and the relative Proportion of the Duties "therein set forth: Provided always, that the Party proposing "to use any such Engine, Instrument, Net, Weir, or Device not "enumerated in such Schedule shall previously give Notice to "some Constabulary or Coast Guard Officer of the District, or "to some Inspector appointed under this Act, of his Intention to "use the same, who shall and is hereby required to forward to "the

of Part of ss. 8. and 21. of 11 & 12 Vict. c. 92.; s. 8. see s. 3. s. 21.

" the said Commissioners or the said Conservators, as the Case
" may be, a Description thereof, as to its relative Capability of
" Capture as compared with the Engines, Instruments, Nets,
" Weirs, or Devices set forth in the said Schedule, and shall
" furnish the Name by which it shall be designated, upon which
" the Commissioners or the said Conservators, as the Case may
" be, may authorize the Use of the same, upon Payment of the
" Licence Duty, which they may fix, and cause the same to be
" inserted in the Schedule of Licences for the said District:
" Provided always, that Rods used singly for taking Trout,
" Perch, Pike, or other Fish, save and except Salmon, shall not
" be subject to any Licence Duty under this Act: Provided
" also, that if any Person using a Rod shall under Pretence or
" otherwise of fishing for Trout, Perch, Pike, or other Fish,
" take or kill Salmon with such Rod, such Person shall be subject
" to a Penalty of the like Amount as the Licence Duty for the
" Time being payable for a Salmon Rod, and the same shall be
" recoverable before a Justice or Justices in like Manner as other
" Penalties under the said recited Acts or this Act: Provided
" also, that all Cross Lines used with a Rod or Rods for taking
" Fish of any kind whatsoever shall be subject to the Licence
" Duty payable under this Act for the Time being upon Cross
" Lines and Rods, until the same shall be altered as herein pro-
" vided," so far as the said Section relates to fishing on or off
the Sea Coasts of Ireland;

and Part of s. 12. of 13 & 14 Vict. c. 88.

And also so much of an Act passed in the Fourteenth Year of Her Majesty, Chapter Eighty-eight, intituled " An Act to amend the " Law relating to Engines used in the Rivers and on the Sea " Coast of Ireland for the taking of Fish," as increases the Penalty for fishing without a Licence, so far as the same relates to the Sea Coasts of Ireland,

Shall be and are hereby repealed, save and except as to any Offences, Penalties, or Matters committed, incurred, or done, or which may be committed, incurred, or done, against or under the said Provisions of the said Acts or any of them before the passing of this Act, all which Offences shall be dealt with, considered, and punished, and all such Penalties levied, and all such Matters deemed good, valid, and effectual, to all Intents and Purposes as if this Act had not been passed.

See 5 & 6 Vict. c. 106. s. 101.

Sea Coast Fisheries (Ireland).

A

BILL

To assimilate the Law as to the Sea Coast Fisheries of Ireland to that of England.

(*Prepared and brought in by Mr. M'Mahon and Mr. Moore.*)

Ordered, by The House of Commons, *to be Printed*, 17 *February* 1857.

[Bill 18.]

Under 1 *oz.*

14 *March* 1857. 20 Vict.

A

BILL

FOR

Settling and securing an Annuity on the Right Honourable Charles Shaw Lefevre in consideration of his eminent Services.

Most Gracious Sovereign,

WHEREAS the Commons of the United Kingdom of Great Britain and Ireland did, by an humble Address to Your Majesty, pray Your Majesty that you would be graciously pleased to confer some signal Mark of Your Royal Favour upon the Right Honourable Charles Shaw Lefevre, Speaker of the House of Commons, for his great and eminent Services performed to his Country during the long and important Period in which he had with such distinguished Ability and Integrity presided in the Chair of the House, and did assure Your Majesty that whatever Expense Your Majesty should think proper to be incurred upon that Account, the said House would make good the same: And whereas Your Majesty in answer to the said Address was graciously pleased to declare that Your Majesty was desirous, in compliance with the Wishes of Your faithful Commons, to confer upon the said Right Honourable Charles Shaw Lefevre some signal Mark of Your Royal Favour, but as the same could not be effectually granted and secured Preamble.

secured without the Concurrence of Parliament, Your Majesty recommended to the House of Commons the Adoption of such Measures as might be necessary for the Accomplishment of that Purpose: Now we, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom in Parliament assembled, have resolved that the annual Sum of Four thousand Pounds net be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said Annuity to commence upon and take effect from the Day on which the Right Honourable Charles Shaw Lefevre shall cease to hold the Office of Speaker of the House of Commons; to be settled in the most beneficial Manner upon and to continue during the Life of him the Right Honourable Charles Shaw Lefevre, and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

An Annuity of 4,000*l.* to be paid to the Right Honourable C.S. Lefevre.

I. One Annuity of *Four thousand Pounds* shall be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after paying or reserving sufficient to pay all such Sums of Money as have been directed by former Acts of Parliament to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon or payable out of the said Fund), and the same shall from Time to Time be paid quarterly, free and clear of all Taxes and Deductions whatsoever, except Income Tax, to the said Right Honourable Charles Shaw Lefevre during his natural Life, which said Annuity shall commence and take effect upon the Day upon which he the said Right Honourable Charles Shaw Lefevre shall cease to hold the Office of Speaker of the House of Commons, the First Payment to be computed from the said Day until the ensuing Quarter Day, and from thenceforth shall be paid at the Four usual Days of Payment in the Year, (that is to say,) the Fifth Day of July, the Tenth Day of October, the Fifth Day of January, and the Fifth Day of April, by equal Portions.

Treasury to direct Payment of the Annuity.

II. The Commissioners of Her Majesty's Treasury are hereby authorized and required by Warrant or Warrants under their Hands to direct the Payment of the said Annuity according to the Provisions herein-before contained.

III. Provided,

The Right Honourable C. S. Lefevre to be deemed to have ceased to hold the Office of Speaker on the Day of the Dissolution.

III. Provided, that for the Purposes of this Act, and also of the Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter One hundred and five, the said Right Honourable Charles Shaw Lefevre shall be deemed to have ceased to hold the Office of Speaker of the House of Commons upon the Day of the Dissolution of this present Parliament.

One Half of the Annuity to abate in case the Right Hon. C. S. Lefevre holds Office.

IV. Provided also, that *One Half* of the said Annuity shall abate and be suspended during any Period in which the said Right Honourable Charles Shaw Lefevre may hereafter hold any Place, Office, or Employment under Her Majesty of equal or greater Amount in Salary, Profits, or Emolument than the Amount of such Annuity.

Mr. Speaker's Retirement.

A

BILL

For settling and securing an Annuity on the Right Honourable Charles Shaw Lefevre in consideration of his eminent Services.

(*Prepared and brought in by The Chancellor of the Exchequer, Viscount Palmerston, Mr. FitzRoy, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 14 *March* 1857.

[Bill 47.]

Under 1 *oz.*

A

BILL

TO

Amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation.

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Ninety-nine, to substitute in certain Cases other Punishment in lieu of Transportation; and it is expedient that such Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 16 & 17 Vict. c. 99.

I. Sections One, Two, Three, and Four of the said Act shall be repealed.

16 & 17 Vict. c. 99. ss. 1, 2, 3, and 4. repealed.

II. After the *Commencement of this Act*, no Person shall be sentenced to Transportation; and any Person who, if this Act and the said Act had not been passed, might have been sentenced to Transportation, shall, after the *Commencement of this Act*, be liable to be sentenced to be kept in Penal Servitude for a Term of the same Duration as the Term of Transportation to which such Person would have

Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.

have been liable if the said Act and this Act had not been passed: Provided nevertheless, that any Person who might, at the Discretion of the Court, have been sentenced either to Transportation for Seven Years, or to Imprisonment for a Term less than Seven Years, shall be liable to be sentenced either to such Imprisonment or to be kept in Penal Servitude for any Term not exceeding *Seven* and not less than *Four* Years; and in every Case where, at the Discretion of the Court, One of any Two or more Terms of Transportation might have been awarded, the Court shall have the like Discretion to award One of any Two or more of the Terms of Penal Servitude which are hereby authorized to be awarded instead of such Terms of Transportation.

Provisions of Acts concerning transported Offenders to apply to Offenders under Sentence of Penal Servitude.

III. And whereas the Provisions applicable to Persons under Sentence of Transportation extend to Persons under Sentence of Penal Servitude conveyed to Parts beyond the Seas in those Cases only where they are conveyed to and kept in Places of Confinement appointed under the said Act or the Act of the Fifth Year of King George the Fourth, Chapter Eighty-four, and it is expedient to extend the said Provisions to other Cases:

Any Person now or hereafter under Sentence or Order of Penal Servitude may, during the Term of the Sentence or Order, be conveyed to any Place or Places beyond the Seas to which Offenders under Sentence or Order of Transportation may be conveyed, or to any Place or Places beyond the Seas which may be hereafter appointed as herein mentioned; and all Acts and Provisions now applicable to and for the Removal and Transportation of Offenders under Sentence or Order of Transportation to and from any Places beyond the Seas, and concerning their Custody, Management, and Control, and the Property in their Services, and all other Provisions now applicable to and in the Case of Persons under Sentence or Order of Transportation, shall apply to and in the Case of Persons under Sentence or Order of Penal Servitude, as if they were Persons under Sentence or Order of Transportation.

Existing Power to appoint Places of Transportation to be applicable for the Purposes of this Act.

IV. The Provisions and Powers of the said Act of the Fifth Year of King George the Fourth, authorizing the Appointment (by Her Majesty, with the Advice of Her Privy Council,) of any Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation shall be conveyed, and all other Powers of Her Majesty, or the Lord Lieutenant or Chief Governor or Governors of Ireland, for the like Purpose, shall extend and be applicable to and for the Appointment of any Place or Places beyond the Seas to which Offenders under Sentence or Order of Penal Servitude may be conveyed, as herein provided.

V. The

V. The said Act of the Sixteenth and Seventeenth Years of Her Majesty and this Act shall be read and construed together as One Act. Acts to be read together.

VI. This Act shall commence on the *Day of* *One thousand eight hundred and fifty-seven.* Commencement of Act.

Transportation and Penal Servitude.

A

BILL

To amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation.

(*Prepared and brought in by Sir George Grey and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1857.

[Bill 7.]

Under 1 *oz.*

Turnpike Trusts Abolition (Ireland) Bill.

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SCHEDULES.

(Ireland.)

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Discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.

WHEREAS under the Provisions of the Acts recited in the Schedule (A.) to this Act annexed, Trustees were appointed for the Management and Maintenance of the Roads therein mentioned, with Power to levy Tolls thereon: And whereas Her Majesty was, on the Twelfth Day of February One thousand eight hundred and fifty-six, pleased to issue a Commission under the Great Seal to Edward Clements, Esquire, directing him to inquire and report on the Propriety of maintaining or abolishing all or any of the Turnpike Roads existing in Ireland, and the Condition of each of the said Roads, and the Receipt and Expenditure, and the Accounts of each Trust, and the Amount of Debts and Charges thereon, and the original Value and market Value, in each of the last Ten Years, of the Debentures, and the Number of Debenture Holders, and the Mode of paying off the said Debentures which should Preamble.

should appear to the said Commissioner most just and equitable, and the Proportion thereof which should be charged to the respective Counties or Baronies concerned: And whereas the said Commissioner has since made his Report to Her Majesty, and has therein reported in favour of abolishing the Turnpikes on the said Roads, and has recommended that the said Roads should be maintained as the other free Highways of the Counties in which they may be situated, and has offered Suggestions as to the Mode in which the said Turnpike Trusts should be abolished, and the Debentures and Debts due thereon should be valued, apportioned, and discharged: And whereas it is expedient that certain Recommendations of the said Commissioner should be carried into effect: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title. I. This Act may be cited for all Purposes as "The Turnpikes Abolition Act (Ireland), 1857."

Interpretation. II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:" The Word "Person" shall include Corporation, whether sole or aggregate:

"The Lord Lieutenant:" "The Lord Lieutenant" shall mean the Lord Lieutenant or other chief Governor or Governors of Ireland for the Time being:

"Rents:" "Rents" shall mean any Rents or Annuities secured upon or payable out of the Tolls levied under any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Rentholder:" "Rentholder" shall mean any Person entitled to any such Rents:

"Rates:" "The County Rates," or "Rates," shall in respect of the County of the City of Limerick mean the Rates of the Borough of Limerick:

"Grand Jury:" "The Grand Jury" shall in respect of the County of the City of Limerick mean the Council of the Borough of Limerick:

"Mortgage:" "Mortgage" shall mean any Security for Monies secured upon the Tolls levied under the Provisions of any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Mortgagee:" "Mortgagee" shall mean any Person entitled to any such Security:

"Trustees:" "Trustees," as regards Turnpike Trusts, shall include Commissioners and Directors:

"County:" "County" shall include County of a City or County of a Town:

"Barony:" "Barony" shall include Half Barony:

"Officer" shall include Secretary, Treasurer, Clerk, Surveyor, and Toll Collector: "Officer:"

"Road" shall include Bridges, and all other Works appertaining to the Road: "Road:"

"Treasurer of the County" shall include the Secretary of the Grand Jury, as the Case may be. "Treasurer of the County."

Commissioner appointed for executing the Act.

III. It shall be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint any fit Person to be the Commissioner for carrying this Act into execution, and upon any Vacancy in the Office of such Commissioner to appoint some other fit Person to such Office, and the said Person so to be from Time to Time appointed shall be the Commissioner for executing this Act, and shall be styled "The Turnpikes Abolition Commissioner."

Authentication of Documents.

IV. All Certificates, Awards, or other Instruments made by or proceeding from the Commissioner in pursuance of this Act shall be sufficiently authenticated if under the Hand of the Commissioner, and the same may be in Writing or in Print, or partly in Writing and partly in Print, and all such Certificates, Awards, and other Instruments or Copies thereof purporting to be executed by the Commissioner shall be Evidence that such Certificates, Awards, or other Instruments were duly made and executed, and that all the Requisitions of this Act in relation thereto were complied with, unless the contrary be shown.

Proceedings, &c. of Commissioner to be binding, and not to be removed by Certiorari.

V. All Certificates, Awards, and other Instruments made or executed pursuant to this Act by the Commissioner, and all Proceedings under this Act of such Commissioner, shall be binding and conclusive (except as in this Act otherwise provided) on all Parties thereto and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or by any other Writ or Process into any of Her Majesty's Superior Courts at Dublin.

Notices may be sent by Post.

VI. All Notices and other Documents by this Act directed to be delivered or given, except such as are to be given by Advertisement, may be sent by Post.

Remuneration of Commissioner.

VII. It shall be lawful for the Lord Lieutenant to direct such Sum as he shall think fit, not exceeding . . . . . Pounds, to be paid to the Commissioner to be appointed under this Act, as a Remuneration for his Services in carrying this Act into execution, and the Remuneration of such Commissioner shall be provided and paid as Part of the Expenses of carrying this Act into execution; provided, that if such Commissioner should die, be removed, or vacate his

Office before the making of a general Award as by this Act provided, then it shall be lawful for the Lord Lieutenant to direct that such Portion only as to the Lord Lieutenant shall seem just and reasonable of the Remuneration so originally directed to be paid to the Commissioner so dying, being removed, or vacating his Office, shall be paid in respect of the Services of such Commissioner.

Declaration to be taken by Commissioner.

VIII. The Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I A.B. do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Turnpikes Abolition Act (Ireland), 1857."'

And the Appointment of such Commissioner, with the Time when, and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

Commissioner to carry Act into execution.

Notice to be given of Sittings.

IX. The Commissioner shall proceed, so soon as he conveniently can after the *passing of this Act*, to sit for the Execution thereof, and before proceeding to inquire into the Affairs of any Trust shall cause Notice to be given of the Day and Time at which he shall determine to hold any Sitting other than adjourned Sittings, and of the Purpose thereof, by Advertisement, to be inserted in some Newspaper or Newspapers circulating in each of the Counties in which may be situate the Turnpike Trusts in respect of which such Sitting may be intended to be held, *Fourteen* Days at least before the Time fixed for holding any such Sitting; and the Commissioner shall have Power to adjourn his Sittings from Time to Time and from Place to Place, as may be found necessary.

Sittings may be adjourned.

Commissioner to inquire into Debts, Conditions, &c. of Trusts.

X. The Commissioner shall make, so far as he shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in him, full and diligent Inquiry into the Revenue, and Debts (if any), of each of the several Turnpike Trusts to which the Acts of Parliament in Schedule (A.) to this Act annexed apply, and shall examine and ascertain the Amount and Nature of all Mortgages, Rents, and other Debts (if any) to which he shall consider each such Trust to be liable, and shall ascertain all Particulars relating to such Trust which he shall deem essential; and the Commissioner shall require to be produced, and shall examine and compare with the Registries thereof, all Mortgages or other Securities in respect of which

which any Claims upon the Tolls of such Turnpike Trusts, or any of them, shall be made; and in case it shall appear to the Commissioner, by the Books of such Trust or by any other Evidence satisfactory to the Commissioner, that any Person is a bonâ fide Mortgagee, Rentholder, or Crediter of such Trust, though the Mortgage or Security of such Person may have been lost, mislaid, or destroyed, the Commissioner shall include such Person among the Mortgagees, Rentholders, or Creditors of such Trust in respect thereof.

When Securities lost, Commissioner may include Rentholders among Creditors.

XI. The Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be mentioned in such Summons, of any Trustee or Officer of any of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, or other Documents which the Commissioner may consider to relate to any such Question or Matter: Provided always, that no Person shall be obliged by any such Summons to go or travel more than *Sixty* Miles from the Place of his usual Abode; and the Commissioner may allow to any Witness attending pursuant to any such Summons such Expenses as he may deem reasonable.

Power to summon Witnesses and to require Production of Documents.

XII. Every Person who, being examined under the Authority of this Act by the Commissioner, shall wilfully and corruptly give false Evidence shall be deemed guilty of a Misdemeanor; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, and every Person who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any such Books, Accounts, Maps, Acts of Parliament, or other Documents as aforesaid, shall be liable for every such Offence to a Penalty not exceeding *Ten* Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

False Evidence; refusing to give Evidence, destroying Documents, &c.

XIII. The Commissioner shall make a full and particular Record in Writing of such his Proceedings in the execution of this Act as he shall deem essential.

Record of Proceedings.

XIV. So soon as the Commissioner shall have ascertained all such Particulars relating to any such Turnpike Trust as he shall deem essential, he shall proceed to estimate and determine the Sums to be payable in respect of the Mortgages to the Payment of which he shall consider such Trust to be liable, in the Manner next hereinafter provided; that is to say, firstly, the Sums to be payable in

Commissioner to ascertain Mortgages charged on each Trust.

respect of the Mortgages of the Trust Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork, in the Schedule (A.) to this Act mentioned, shall be the full Amount of the Principal Monies secured by such Mortgage, and all Interest thereon which shall be due and unpaid upon the *Fifth Day of January* next after the passing of this Act; secondly, the Sums to be payable in respect of the Mortgages, if any, of any other of the said Trust Roads shall be the fair and actual Value (if any) of the Principal Sums secured by such Mortgages respectively, and of all Interest due on such Mortgages respectively, excluding nevertheless all such Interest as shall have been due and in arrear for more than *Six* Years previous to the said *Fifth Day of January*, which last-mentioned Interest the Commissioner shall in respect of the said last-mentioned Trust Roads deduct and disallow.

Commissioner to ascertain Rents payable by each Trust.

XV. The Commissioner shall in like Manner ascertain the Nature and Amount of all Rents charged upon and payable out of the Tolls of any such Trust, and all Rents reserved on Leases, and the Sums to be payable in respect of every such Rent shall be an Annuity of the same annual Amount as such Rent, and for the same Term as such Rent may have been made payable: Provided, that when such Rent shall be payable or reserved during the Continuance of any Act or Acts of Parliament, such Rent shall be deemed a perpetual Rent; provided also, that when the Interest in any such Lease shall be sold under this Act no Annuity shall be payable in respect of the Rent thereby reserved.

Commissioner to ascertain certain Debts other than Mortgages due on such Trusts.

XVI. The Commissioner shall in like Manner ascertain the Nature and Amount of all Debts other than Mortgages to the Payment of which he shall consider each such Trust to be justly and properly liable, and the Sums to be payable in respect of all such Debts other than Mortgages shall be the full Amount of such Debts.

Debts so ascertained to be charged on Counties and Baronies.

XVII. The Sums and Annuities which the Commissioner shall so determine to be payable in respect of any such Turnpike Trust shall be charged upon the Counties and Baronies of the Counties in which the Roads comprised in such Trust are locally situate, as next hereinafter provided; that is to say, where the whole of the Roads comprised in any such Trust shall be locally situate in One County only, *One Half* of such Charges and Annuities shall be apportioned to the County and the *other Half* to the Barony, or between the Baronies thereof in which such Roads are situate, in proportion to the Length of such Roads in each such Barony; and where the Roads comprised in any such Trust shall be locally situate in more

Counties

Counties than One, such Charges and Annuities shall be divided, first, between such Counties, by allotting specific Charges and Annuities to each such County as nearly, in proportion to the Length of such Roads in each such County, as the Number and Amount of such Charges and Annuities will admit; and the specific Charges and Annuities so allotted to each such County shall be then apportioned between such County and the Baronies thereof as herein-before provided with respect to Trusts locally situate in One County only: Provided, that when in the Division between such Counties of the Charges and Annuities in respect of any particular Trust any greater Proportion of such Charges and Annuities shall have been allotted to any such County than in the Proportion of such Road therein, it shall be lawful for the Commissioner to take the same into account in dividing the Charges and Annuities in respect of any other of such Trusts, or in the apportioning of the Expenses of carrying this Act into execution herein-after mentioned, so as to make the Aggregate of Charges and Annuities upon each such County in respect of such Roads therein locally situate as nearly as possible in the Proportions herein-before provided; provided also, that when the Sum payable in respect of any specific Mortgage shall be of such Amount that the same cannot be properly allotted in the Manner aforesaid, then it shall be lawful for the Commissioner to divide the same rateably between Counties and Baronies, anything herein contained with regard to allotting specific Sums to each County or Barony to the contrary notwithstanding.

Award of Commissioner.

XVIII. The Commissioner shall thereupon make, in the Case of each Turnpike Trust, a separate Award in Writing, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, or to any Annuities, together with the Sums of Money or Annuities to which, in the Judgment of the Commissioner, the said Persons shall be respectively entitled, and in case of Mortgagees, whether the Sums of Money payable to such Mortgagees respectively shall be payable in One Instalment or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed or who shall appear to be Creditors or Mortgagees or Rentholders of such Trust to whom the Commissioner shall have determined to award no Sum, and shall also specify therein the Apportionment which the Commissioner shall have made as aforesaid of the Sums of Money or Annuities payable in respect of such Trust by the Counties or Baronies in which such Trust Roads shall be situate, and the Commissioner shall forthwith deliver a Copy of his Award to the Clerk or other Officer of such Trust; and the said Clerk or other Officer shall, within *Three* Days from the Delivery of such

Award, give notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively.

Awards may be to Representatives of Persons under Disabilities.

XIX. Where any Monies or Annuities shall be due to any Infant, the Award may be made for the Payment of the Sum or Annuity therein specified to the Guardian of such Infant, or if there shall be no Guardian then to any Trustee for such Infant; and if any Monies or Annuities shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies or Annuities shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee, or in case of the Refusal to act or Incapacity of any such Trustee, or if for any other Cause it shall to the Commissioner appear expedient, then the Commissioner by his said Award, or by any Writing under his Hand, may appoint another Trustee for the Purpose of receiving such Payment.

The Cost of carrying Act into execution, how to be paid.

XX. All the Expenses of the Commissioner in carrying this Act into execution shall be paid as by this Act provided; and the Commissioner shall keep an Account of all Expenses incurred by him in carrying this Act into execution, and by his Award may certify the Amount thereof; and the Commissioner shall apportion the Amount of such Expenses so certified between the Counties and the Baronies of the Counties in which the said Turnpike Trusts are situate, as herein provided with respect to Charges for Roads locally situate in more than One County, and the said Awards of the Commissioner shall have the same Force and Effect as any other Awards made in pursuance of this Act: Provided, that in dividing between Counties such Expenses, the Commissioner may divide the same rateably and without allotting specific Sums, anything herein-before contained to the contrary notwithstanding; provided also, that the Expenses of the Commissioner, so certified, shall be the First Charge on all Monies applicable to such Purpose which shall come to the Hand of the Commissioner by virtue of this Act, in preference to all such Claims whatsoever.

Commissioner to make a general Award.

XXI. So soon as conveniently may be after the Amount of the Sums and Annuities payable to the several Mortgagees, Creditors, and Rentholders of the Trusts, or any of them, to which the Acts in Schedule (A.) to this Act apply shall have been ascertained under this Act, so far as the Commissioner may be enabled to ascertain the same, and after the Commissioner shall have ascertained the Amount of the Expenses of carrying this Act into execution, and shall have made the several Awards by this Act directed, the Commissioner shall draw up a general Award, which shall specify the specific Sums

and

and Annuities payable to the Mortgagees, Creditors, and Rentholders of the said Trusts allotted by the Commissioner to each County, and the Apportionment of each such specific Sum and Annuity between such County and the Baronies thereof, and in like Manner the Division and Apportionment made by the Commissioner in respect of the Expenses of carrying this Act into execution and the Persons to whom the said Sums, Annuities, and Expenses shall be respectively payable; and as regards the specific Sums payable to the Mortgagees, the said Award shall specify whether the same shall be payable in One or more Instalments, or whether the Interest only on such specific Sums, at the Rate of *Four* Pounds per Centum per Annum, shall, for a certain Time mentioned therein, be so payable, and in such Case within what Period the Principal Sums payable to such Mortgagees shall be paid off; and as regards the said Annuities, the said Award shall specify the Terms or Periods during which they shall be respectively payable: Provided always, that the Sums payable in respect of the Expenses of carrying this Act into execution, and of all Debts other than Mortgages and Rents, shall be payable in One Instalment and not otherwise, and the said Award shall specify that such Sums shall be so payable: Provided also, that in such general Award the Commissioner may make such Alterations in the Divisions and Apportionments made in his previous Awards under this Act as he may deem necessary to render the Aggregate of the Charges upon each County and the Baronies thereof as nearly as possible in the Proportion by this Act directed.

Award to be enrolled, &c.

XXII. Such general Award, when executed by the Commissioner, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland within *Three* Months after the Execution thereof, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which may be situate any of the said Trusts, and such Clerk of the Peace is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so executed and enrolled, shall be binding and conclusive upon all Persons whomsoever, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with.

Commissioner may make supplemental Awards.

XXIII. In case, after such general Award shall have been so made, any Claims shall be made in respect of Debts, Mortgages, or Rents not included in such general Award, it shall be lawful for the Commissioner to entertain the same, and to make supplemental Awards in relation thereto, as herein-before provided with respect to the general Award under this Act, which supplemental Awards shall be con-

sidered Amendments of or Additions to such general Award, and shall be enrolled and deposited with the Clerk of the Peace in like Manner, and the Creditors, Mortgagees, and Rentholders included in such supplemental Awards shall for the Purposes of this Act be considered as included in such general Award.

Grand Juries to present Sums and Annuities payable pursuant to this Act.

XXIV. The Sums, Annuities, and Expenses which the Commissioner shall have ascertained by the said general Award to be payable by any such County or any Barony thereof shall be payable by the Grand Jury of such County, and the Commissioner shall certify to the Secretary of such Grand Jury the Amount of such Sums of Money and Annuities, and the Manner by and in which the same are to be payable pursuant to this Act, and such Grand Jury is hereby empowered and required without Application at Presentment Sessions to make Presentment of the Principal Sums payable in respect of the said Mortgages or Debts, and the Sums payable in respect of the Expenses of carrying this Act into execution, or from Time to Time to make Presentment of Interest from the *Fifth Day of January* next after the passing of this Act, at the Rate of *Four* Pounds per Centum per Annum, upon the Sums payable in respect of the said Mortgages, as the Case may be, and of the Amount of the Gales from Time to Time due of such Annuities, to be raised off the County at large or any Barony thereof, pursuant to the said Certificate; and in default of such Presentment the Court at the Assizes shall order the Amount of such Principal, Interest, Gales of Annuity, or Expenses of carrying this Act into execution, as the Case may be, to be raised off such County or any Barony thereof, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert the Amount of such Principal, Interest, Gales of Annuity, Expenses, or Debts, as the Case may be, in his Warrants, and the same shall be applotted, raised, and levied as if the same had been duly presented, and when and so soon as the Amount of such Principal or Interest, Gales of Annuity, Expenses, or Debts shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Persons entitled thereto.

Commissioner to give Mortgagees Certificate of Amount due.

XXV. So soon as the said general Award shall have been executed by the Commissioner, he shall cause to be prepared and shall deliver to every Mortgagee who shall not be entitled to receive the Sum payable to him in One Instalment, under the Provisions of this Act, and to every Rentholder entitled under the said general Award to any Monies or Annuities allotted to any particular County, a Mortgage or Security setting forth the Principal Sum secured by such Mortgage, and the Rate of Interest payable thereon or the Annuity to which such Rentholder may be entitled, as the Case may be, and the

the Counties to which the same have been respectively allotted, and such Mortgage may be in the Form in Schedule (B.) and such Annuity in the Form in Schedule (D.) to this Act annexed: Provided always, that no Mortgage or Security shall be given to any such Mortgagee or Rentholder until he shall have delivered up to the said Commissioner every Mortgage or other Security in his Possession or Power whereby the Debt or Rent in respect of which such general Award was made may have been secured.

Register to be kept.

XXVI. The Treasurer of the County shall keep a Register of all Mortgages and Securities under this Act affecting the County, and before he shall make any Payment on Foot thereof to the Parties entitled thereto he shall enter in such Register the Number and Date thereof, and the Sums or Annuity therein specified, and the Name and Description of the Party to whom the same is or are payable, and every such Register shall be open to public Inspection, during Office Hours, at the Office of such Treasurer, without Fee or Reward.

Register of Transfer.

XXVII. Any Mortgagee or Rentholder entitled to any Mortgage or Annuity under this Act may transfer his Estate and Interest therein to any other Person, by Deed duly stamped, truly stating his Name, the Date of his Mortgage or Security, the Name and Description of the Parties thereto, and the Consideration for such Transfers, and such Transfer of a Mortgage may be in the Form in Schedule (C.) and such Transfer of an Annuity in the Form in Schedule (E.) to this Act annexed, or to the like Effect, and the Treasurer of the County shall keep a Register of such Tranfers; and all such Transfers shall previous to the Payment of any Sum on Foot of the Mortgage or Annuity therein expressed to be transferred be produced to the Treasurer of the County, and such Treasurer shall, without Fee or Reward, cause an Entry to be made in such Register of its Date, and of the Names and Descriptions of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Heirs, Executors, Administrators, and Assigns, shall be entitled to the full Benefit of the Mortgage or Annuity so transferred, and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage.

Payment to be a Discharge.

XXVIII. Payment to the Persons named in the said Certificates, Awards, Mortgages, or Securities respectively, their Heirs, Executors, Administrators, or Assigns respectively, or to the Guardian of any Infant, or to the Committee of any Idiot or Lunatic, shall be a valid and effectual Payment and Discharge of and in respect to the

Monies and Annuities by the said Awards directed to be paid; and the Treasurer of the County may pay any such Monies and Annuities to the Persons whom it shall be made to appear to his Satisfaction are the Persons or Bodies beneficially, or as Trustees, entitled thereto, and notwithstanding any Error or Omission in the said Awards as to the Persons or the Names or Descriptions of the Persons entitled thereto.

Treasurer of County may deposit Sums awarded in the Court of Chancery.

XXIX. If any Trustee entitled to any Money so awarded shall refuse to accept the same, or if it shall appear to the Treasurer of the County that there is no Person to whom Payment thereof can be lawfully made as herein-before provided, it shall be lawful for the Treasurer to deposit the said Monies in the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, to be placed to the Credit (under any Description which shall appear to the said Treasurer sufficient) of the Persons entitled thereto; and upon any such Deposit being made, the Cashier of the Bank of Ireland shall give the said Treasurer a Receipt for such Money, and thereupon the said Treasurer shall be discharged from all further Responsibility or Duty in regard to the Money so deposited; and upon the Application, by Petition, of any Party making claim to such Money or any Part thereof, the said Court of Chancery may make such Order in relation thereto as to such Court shall seem fit.

Claims to be extinguished.

XXX. Upon Payment pursuant to this Act of the Sums in the said Award mentioned, the Claims of all Persons in respect of the Sums so awarded, and of the Securities or Demands in respect of which Sums shall have been so awarded, shall be extinguished.

Grand Juries may present for Mortgages.

XXXI. In case any Grand Jury shall be desirous of purchasing, paying off, or redeeming the said Mortgages or Annuities, or any of them, it shall be lawful for any such Grand Jury to present such Sum as shall appear to be necessary for that Purpose, to be apportioned as between the County and the Baronies thereof, in the same Proportions as the Mortgages or Annuities intended to be paid off or redeemed shall have been apportioned; and the Amount of such Presentment shall be raised and levied as any other Monies to be presented, raised, and levied by such Grand Jury.

Grand Juries entitled to borrow.

XXXII. In case any of the said Grand Juries should be desirous of raising the Amount necessary to purchase, pay off, or redeem the said Mortgages, Annuities, or any of them, by way of Loan from any Person willing to make Advances of Money for the Purpose, it shall thereupon be lawful for any such Grand Jury at any Assizes to present

present such Sum as shall be intended to be raised by Loan, in order to obtain such Advance, and to set forth in such Presentment that the said Sum shall be raised and levied by half-yearly Instalments of not less than *Ten Pounds* per Centum per Annum, and likewise to present a Sum sufficient to pay the annual Interest of the Sum so advanced, and of the Balance thereof from Time to Time remaining due, at a Rate not exceeding *Six Pounds* per Centum per Annum, and also to set forth in such Presentment the Proportions thereof, as directed by the said Certificate, to be raised on the County at large or upon any Barony thereof; and it shall be lawful for any such Grand Jury in every such Presentment to nominate and appoint a Committee of not less than *Three* or more than *Five* Persons to treat, agree, and contract for a Loan with any Person willing to make the same on the Security of such Presentment, and otherwise to carry the same Presentment into effect, and every such Presentment may be in the Form in Schedule (F.) to this Act annexed.

Grand Jury may appoint Committee.

XXXIII. It shall be lawful for the Committee so nominated and appointed, or any *Three* or more of them, to treat, agree with, and contract for a Loan with any Person willing to make the same on the Faith of such Presentment, and for the Rate of Interest, not exceeding the Limit aforesaid, to be paid in respect of such Loan, and the Terms of every such Contract shall be reduced to Writing on a certified Copy of such Presentment, and signed by the said Committee or any *Three* or more of them, and by the Person advancing such Money, and shall be delivered to such last-mentioned Person, and held by him as a Security for his Loan until the whole Amount thereof, with Interest as therein set forth, shall be fully paid off and discharged.

Committee to negotiate Loan.

XXXIV. The Loan shall be paid in to the Account and to the Credit of the Treasurer of the County, and accounted for by him in like Manner as any other Monies by him received for the Use of the County, and all Securities given by him shall extend to such Monies; and the Treasurer, as soon as the said Loan shall have been so paid in to his Credit as such Treasurer, shall pay and apply the same to and amongst the Persons entitled to the Sums in respect of which such Loan shall have been made.

Loan to be paid to Treasurer.

XXXV. The Treasurer of the County shall, without further Authority or Presentment in that Behalf, issue his Warrant for or include in his general Warrant at each Assizes such Portion of the whole Sum presented by the Grand Jury as aforesaid, together with such Sum for Interest thereon as may be necessary for the Purpose of paying to the Person so advancing Money the Instalments and

Treasurer to insert in Warrants Instalments of Loan.

Interest thereon as aforesaid; and it shall not be lawful for the Grand Jury to restrain the issuing of any such Warrant; and the Sum inserted in such Warrant shall be raised and levied as other Monies directed by any Warrant of such Treasurer are by Law raised and levied; and such Treasurer shall pay the Person so advancing Money all such Monies as shall be received by him by virtue of the Presentment and Warrants aforesaid till the whole Loan, with the Interest thereon, shall be paid: Provided always, that all Monies in the Treasurer's Hands shall be applicable to pay the said Instalments of Principal and the Interest thereon, according to the Terms of any such Loan; and if it shall happen that any Money shall be raised by virtue of any such Presentment which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County or Barony from which it shall have been raised.

Grand Juries may redeem Mortgages or Annuities.

XXXVI. So soon as the Amount of the Presentment so made or the Loan so contracted for the Purpose of purchasing, paying off, or redeeming any such Mortgages or Annuities shall have been paid to or received by the Treasurer of the County, he shall apply the same in paying to such Mortgagees the Principal Sum due on Foot of their said Mortgages, or such less Sum as the said Mortgagees may be willing or shall have agreed to accept for their said Mortgages, or in redeeming the said Annuities upon such Terms as the said Annuitants may be willing to accept: Provided always, that it shall not be lawful to pay the said Annuitants in redemption of their said Annuities any greater Sum than at the Rate of One hundred Pounds for every *Five Pounds* of Annuity.

Redeemed Mortgages or Annuities to be cancelled.

XXXVII. When any such Mortgage or Annuity shall have been paid off or redeemed, the same shall be transferred by the Mortgagee or Annuitant to the Treasurer in the Manner herein provided, and the Deed of Transfer shall express that the same has been transferred to the said Treasurer, in trust for the County; and thereupon the said Mortgage or Annuity shall be extinguished, and the Security therefor shall be cancelled by the Treasurer, and delivered to the Clerk of the Peace, to be kept among the Records of the County; and the said Treasurer shall enter in the said Transfer Book a Memorandum that the said Security has been so cancelled and delivered.

Repeal of Acts.

XXXVIII. On and after the *Fifth Day of January* next after the passing of this Act, the several Acts set forth in Schedule (A.) to this Act annexed are hereby repealed, and from thenceforth the Trustees appointed by the said Acts shall be discharged from the Execution of the Trusts and Powers thereby vested in them, and the Collection

Collection and taking of Tolls upon the Roads in the said Acts comprised shall absolutely cease; and upon and from the said *Fifth Day of January* the said Roads shall be and become and the same are hereby declared to be public Roads of the Counties in which such Roads are respectively situate, and shall be maintained and kept in repair in like Manner and shall be subject to the like Provisions as other public Roads within the said several Counties.

Roads declared to be public Roads.

XXXIX. The Officers employed under the said Acts hereby repealed shall, within *Thirty* Days after the said *Fifth Day of January*, make up, sign, and balance their Accounts up to the said *Fifth Day of January*, and shall lay the same before the Commissioner, who is hereby authorized to examine such Officers upon Oath as to the Truth of their Accounts, and to accept and receive any Balance that may be due by any such Officer; and every such Officer shall pay or deliver to the Commissioner, or to such Person as he shall direct and appoint to receive the same, all Monies, Balances, Securities, Vouchers, Receipts, Accounts, and other Documents, and also all Materials, Tools, Implements, and other Things, in his Possession or Control by virtue of his said Office; and if any such Officer shall neglect or refuse to render such Accounts, or to pay any such Balance, or to deliver to the Commissioner or the Person appointed by him as aforesaid any of the Documents or Things aforesaid in his Possession or Control by virtue of his said Office, such Officer shall for every such Offence be liable to a Penalty not exceeding *Ten Pounds*, in the Discretion of the Justices before whom such Offender shall be convicted.

Officers to account, and deliver up Documents, &c.

XL. All Fines or Penalties inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (Ireland) Act, 1851," and shall be applied in the Manner by the said Act directed.

Penalties, &c. how to be recovered.

XLI. Upon and from the said *Fifth Day of January* all Lands, Quarries, Tenements, and Hereditaments, and all Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, Lamps, Lamp Posts, Monies, Choses in Action, and all other Property vested in or belonging to the Trustees of the several Roads, for the Purposes of the Trust thereof, shall vest in the Commissioner for such Estate or Interest as the said Trustees shall have therein, and the said Trustees and their Officers, and all other Persons in possession thereof, shall Surrender the same, and all the Title Deeds, Leases, Contracts,

Property of Trusts to vest in Commissioner.

Instruments, or Things relating thereto, to the Commissioner, to be by him applied as by this Act directed.

Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner.

XLII. If any Toll Collector or other Person refuse or neglect, after *Twenty-four* Hours Notice in Writing to that Effect, to deliver up to the Commissioner, or to any Person appointed by him for that Purpose, any Toll House or other Building or Property vested in the Commissioner under the Provisions of this Act, or any Matters or Things relating thereto, in the Possession or Custody of such Toll Collector or other Person, then, upon Application being made by the Commissioner to the Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioner or any Person appointed by him for that Purpose.

Trust Property to be sold.

XLIII. The Commissioner shall, as soon as conveniently may be after the said *Fifth Day of January*, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in him as shall not be required for the Purposes of the said Roads, and the Rights, Members, and Appurtenances thereof, and of such Personal Property as aforesaid, either by Public Auction or by Private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioner shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchase thereof or any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioner; and the Commissioner shall and he is hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Roads or any of them, and may, if he think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioner shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road, he shall offer the same to the Person whose Lands shall adjoin thereto, and if such Person

Person shall thereupon refuse or shall not agree to purchase the same, such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application of Produce of Sales and Balances in Hands of Trustees.

XLIV. All Monies to arise from such Sales of the Property of any such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of any such Turnpike Trust, shall be applied by the Commissioner, in the First Instance, in discharge of the Expenses of carrying this Act into Execution, and the several Counties or the Baronies thereof wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioner shall allocate the same accordingly; and the Commissioner shall from Time to Time certify to the Treasurer of any such County the Sum to Credit for which such County or any Barony thereof shall be entitled, and thereupon it shall be lawful for such Grand Jury to deduct from any Presentment to be made and levied off any such County or Barony thereof, under the Provisions of this Act, the Amount to Credit for which such County or Barony shall be so certified to be entitled; and the Balance of all Monies so arising shall in like Manner be so allocated, and shall be paid to the Treasurers of the said Counties, and shall be by the said Treasurers applied in aid of the Presentments to be made under this Act in relation to such Trust.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
11 Geo. 4. and 1 Will. 4. c. 111.	An Act for improving and repairing the Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork.
1 & 2 Geo. 4. c. 38. -	An Act for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer.
5 & 6 Vict. c. 92. -	An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King George the Fourth, for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer, so far as relates to the Second Division of the said Road.
3 & 4 Will. 4. c. 112.	An Act for more effectually repairing several Roads in the Counties of Carlow, Kilkenny, and Tipperary, and also the Road from the Town of Clonmel through the County of Waterford to the Cross Roads of Knocklofty in the said County of Tipperary.
2 & 3 Will. 4. c. 59. -	An Act for more effectually repairing the Road leading from Shankhill in the County of Kilkenny to the City of Waterford.
11 Geo. 4. and 1 Will. 4. c. 112.	An Act for repairing and maintaining the Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan.
11 & 12 Vict. c. 50. -	An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for repairing and maintaining the Roads "from the Town of Dundalk in the County of Louth to "the Towns of Castleblayney and Carrickmacross in the "County of Monaghan."
1 & 2 Vict. c. 74. -	An Act for more effectually repairing the Road from Dundalk to Dunleer in the County of Louth.
5 & 6 Vict. c. 76. -	An Act to amend an Act of His late Majesty King George the Fourth, for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Southern Division of the said Road.
6 & 7 Vict. c. 48. -	An Act for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Northern Division of the said Road.

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
5 & 6 Will. 4. c. 67. -	An Act for more effectually repairing and improving the Road from Newry to Charlemont through the County of Armagh.
59 Geo. 3. c. 128. -	An Act for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
4 & 5 Will. 4. c. 74. -	An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King George the Third, for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
7 Will. 4. and 1 Vict. c 42.	An Act for maintaining, repairing, and amending a Turnpike Road from Belfast to Lisburne, by Malone, and by the Falls, and Two Turnpike Roads leading from the Falls Road, by Dunrod and Castlerobin respectively, to Crumlin in the County of Antrim.
5 & 6 Will. 4. c. 2. -	An Act for making, maintaining, and repairing a Turnpike Road from the Town of Belfast to the Town of Crumlin in the County of Antrim.
9 Geo. 4. c. 121. -	An Act for repairing and maintaining a Turnpike Road from Belfast to Antrim, and from Belfast to the Copeland Water.

SCHEDULE (B.)

Form of Mortgage.

Mortgage No. .

I, A.B., the undersigned "Turnpikes Abolition Commissioner," acting in execution of the "Turnpikes Abolition Act, (Ireland), 1857," do hereby certify, That the Sum of Pounds, with Interest thereon from the *Fifth Day of January One thousand eight hundred and fifty-eight*, at the Rate of Pounds per Centum per Annum till paid, has been ascertained by my Award, made in pursuance of the said Act, to be payable in the Manner in said Award specified by the Grand Jury of the County of to C.D., his Executors, Administrators, and Assigns, in respect of certain Mortgages [or, a certain Mortgage] in said Award specified; and I hereby direct that Interest at the Rate of Pounds per Centum per Annum from the *Fifth Day of January One thousand eight hundred and fifty-eight* on the said Sum of Pounds shall be paid by the Treasurer of the said County of to the said C.D., his Executors, Administrators, and Assigns, till the said Principal Sum shall have been paid.

In witness whereof I, the said Commissioner, have hereunto set my Hand and Seal, this Day of

A.B. (s.)

SCHEDULE (C.)

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of , in consideration of the Sum of Pounds paid to me by C. D. of , do hereby transfer to the said C. D., his Executors, Administrators, and Assigns, a certain Mortgage Number bearing Date the Day of , and made by the Turnpikes Abolition Commissioner for charging and securing the Sum of Pounds and Interest thereon from the *Fifth Day of January One thousand eight hundred and fifty-eight* at the Rate of Pounds per Centum per Annum, upon the County of [or, upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Money thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A. B. (s.)

SCHEDULE (D.)

FORM OF SECURITY FOR ANNUITY.

Annuity No. .

I, A.B., the undersigned Turnpikes Abolition Commissioner, acting in execution of "The Turnpikes Abolition Act, (Ireland), 1857," do hereby certify, That the annual Sum of Pounds has been ascertained by my Award, made in pursuance of the said Act, to be payable for in the Manner in the said Award specified, by the Grand Jury of the County of to C.D., his Heirs and Assigns, in respect of certain Rents in the said award specified; and I hereby direct that the said annual Sum of Pounds shall be paid by the Treasurer of the said County of to the said C.D., his Heirs and Assigns, by Two even and equal half-yearly Payments on every Day of and Day of in every Year, the First Payment thereof to be made on the Day of next after the Date hereof.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHE-

SCHEDULE (E.)

FORM OF TRANSFER OF ANNUITY.

I, A.B., of in consideration of the Sum of paid to me by C.D. of , do hereby transfer to the said C.D., his Heirs and Assigns, a certain Annuity of Pounds, the Certificate of which is Number , and bears Date the Day of , and was executed by the Turnpikes Abolition Commissioner for charging and securing the said Annuity of Pounds upon the County of [or upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Annuity thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHEDULE (F.)

County of to wit. } WHEREAS the Turnpikes Abolition Commissioner, acting in execution of the "Turnpikes Abolition Act, Ireland, 1857," has, by his Certificate bearing Date the Day of , duly certified to the Grand Jury of the County of that the Sum of Pounds has, under the Provisions of the said Act, been apportioned upon the said County and the Baronies thereof [or, upon the Barony or Baronies of in the County of], as in the said Certificate mentioned.

Now, we, the Grand Jury of the said County of duly assembled and sworn at the Assizes held at in and for the said County on the Day of , pursuant to the Powers to us in that Behalf given by the "Turnpikes Abolition Act, Ireland, 1857," do present the Sum of Pounds, in order to enable us to borrow the said Sum from any Person willing to advance the same, and in order to repay the said Sum we do present that the said Sum do be raised and levied as follows:

by half-yearly Instalments of each, the first of said Instalments to be raised after the present Assizes, and the remaining Instalments after the next and each and every successive Assizes until the whole of the said Sum shall be

raised and discharged; and further, in pursuance of the Powers in said Act contained, we do present the Sum of Pounds, to be paid upon the to pay the annual Interest of the said Sum of Pounds, or of such Part of the same as shall from Time to Time remain due, at such Rate, not exceeding Pounds per Cent., as may be agreed on, and we present the said Sum of Pounds to be raised half-yearly in such Sums as may be from Time to Time required to satisfy the Interests of so much of the said Principal Sum as shall be and remain due after the Application of the Sums presented to be levied for its Satisfaction, One of such Sums or Instalments to be raised after the present and every future Assize, and the other after the next and every future Assizes in the next and each succeeding Year, until such Principal Sum shall have been paid as aforesaid.

And we nominate and appoint to treat and agree and contract for a Loan with any Person willing to make the same on the Security of this Presentment, and for the Rate of Interest which shall be paid on such Loan, and otherwise to carry this Presentment into effect.

Turnpike Trusts Abolition (Ireland).

A

B I L L

To discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.

(Prepared and brought in by Mr. Horsman and Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, *to be Printed* 17 *February* 1857.

[Bill 20.]

Under 3 oz.